

*Referrals*  
*6-11-19*

**PUBLIC HEALTH  
AND SAFETY  
STANDING  
COMMITTEE**

**MAYOR'S OFFICE COORDINATORS REPORT**

OVERALL STATUS (please circle): ☒ **APPROVED** ☐ **DENIED** ☐ **N/A** ☐ **CANCELED**

Petition #: 933 Event Name: Detroit Athletic Club Classic Car Show

Event Date : June 14, 2019

Street Closure: Adams Street

Organization Name: Detroit Athletic Club

Street Address: 241 Madison Avenue Detroit, MI 48226

Receipt date of the <b>COMPLETED</b> Special Events Application:	
Date of City Clerk's Departmental Reference Communication:	
Due date for City Departments reports:	
Due date for the Coordinators Report to City Clerk:	

Event Elements (check all that apply):

- ☐ Walkathon    ☐ Carnival/Circus    ☐ Concert/Performance    ☐ Run/Marathon  
☐ Bike Race    ☐ Religious Ceremony    ☐ Political Ceremony    ☐ Festival  
☐ Filming    ☐ Parade    ☐ Sports/Recreation    ☐ Rally/Demonstration  
☐ Fireworks    ☐ Convention/Conference    ☒ Other: Classic Car Show  
☐ **24-Hour Liquor License**

**Petition Communications** (include date/time)

Detroit Athletic Club will host annual Classic Car Show from 8:00am - 3:00pm with street closure on Adams between John R. and Brush.

\*\* **ALL** permits and license requirements must be fulfilled for an approval status \*\*

Date	Department	N/A	APPROVED	DENIED	Additional Comments
	DPD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contracted with DAC Security to Provide Private Security Services
	DFD/EMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Permits Required
	DPW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROW Permit Required
	Health Dept.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Date	Department	N/A	APPROVED	DENIED	Additional Comments
	TED	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Type III Barricades & Road Closure Signage Required
	Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Jurisdiction
	Bldg & Safety	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Permits Required
	Bus. License	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Permits Required
	Mayor's Office	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All Necessary permits must be obtained prior to event. If permits are not obtained, departments can enforce closure of event.
	Municipal Parking	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Parking Signs Required
	DDOT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Impact on Buses

**MAYOR'S OFFICE**

Signature: Bethanie Lusher

Date: May 29, 2019

## DEPARTMENTAL REFERENCE COMMUNICATION

*Monday, June 10, 2019*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

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MAYOR'S OFFICE    DPW - CITY ENGINEERING DIVISION  
POLICE DEPARTMENT    FIRE DEPARTMENT  
BUSINESS LICENSE CENTER    BUILDINGS SAFETY ENGINEERING  
TRANSPORTATION DEPARTMENT    MUNICIPAL PARKING DEPARTMENT

**933**    *Detroit Athletic Club, request to host "Detroit Athletic Club Classic Car Show" at 241 Madison Avenue, on 6/14/19 from 8am - 3pm, Set-up on 6/14/19 from 6am - 8am, Complete tear down after event, With a street closure on Adams Street from John R to Brush.*



6/14/2019

#933

## City of Detroit Special Events Application

Successful events are the result of advance planning, effective communication and teamwork. The City of Detroit will be strictly adhering to the Special Events Guidelines; please print them out for reference. Petitioners are required to complete the information below so that the City of Detroit may gain a thorough understanding of the scope and needs of the event. This form must be completed and returned to the Special Events and Film Handling Office at least **60 days** prior to the first date of the event. If submitted later than 60 days prior, application is subject to denial. Please type or print clearly and attach additional sheets and maps as needed.

### Section 1- GENERAL EVENT INFORMATION

Event Name: Detroit Athletic Club Classic Car Show

Event Location: 241 Madison Avenue, Detroit MI  
48226

Is this going to be an annual event? ☒ Yes ☐ No

### Section 2- ORGANIZATION/APPLICANT INFORMATION

Organization Name: Detroit Athletic  
Club

Organization Mailing Address: 241 Madison Avenue Detroit, MI  
48226

Business Phone: 313.963.9200 ext 1053

Business Website: thedac.com

Applicant Name: Kevin Heidisch, Director of  
Security

Business Phone: 313.963.9200 ext. 1053  
kevinh@thedac.com

Cell Phone: 313.220.5201 Email:

#### Event On-Site Contact Person:

Name: Kevin Heidisch Business Phone: 313.963.9200 ext. 1053

Cell Phone: 313.220.5201

Email: kevinh@thedac.com

#### Event Elements (check all that apply)

☐ Walkathon

☐ Carnival/Circus

☐ Concert/Performance

☐ Run/Marathon

☐ Bike Race

☐ Religious Ceremony

☐ Political Event
 ☐ Festival
 ☐ Filming  
☐ Parade
 ☐ Sports/Recreation
 ☐ Rally/Demonstration  
☐ Convention/Conference
 ☐ Fireworks
 ☒ Other: Classic Car Show

Projected Number of Attendees: 100-150

Please provide a brief description of your event:

On June 14<sup>th</sup>, 2019 The Detroit Athletic Club (DAC) would like to host our annual Classic Car Show from 8am-3pm. We are requesting a full closure of Adams between John R. & Brush. Only classic vehicles will be on Adams. Vehicles will be surrounded by bicycle fencing with DAC security present. The event is open to members and a small amount of invited guests. There will be no F&B beverage pre-prepared or served on Adams. Cars will be displayed in our backlot with overflow onto Adams. We are requesting the south sidewalk on Adams be closed as well. The North side will remain open. We will have security guards on both ends of the closure to help direct pedestrian traffic. Both ends of the closure will have type III barricades along with directional detour signing. There is no need for port johns, the DAC has an executive washroom closely located in our back lot. First aid, AED and oxygen tank are located in our back lot under the large tent. The car show is to open to the public.

What are the projected set-up, event and tear down dates and times (must be completed)?

Begin Set-up Date : 6/14/2019 Time: 6am Complete Set-up Date: 6/14/2019 Time: 8am

Event Start Date: 6/14/2019 Time: 8am Event End Date: 6/14/2019 Time: 3pm

Begin Tearing Down Date: 6/14/2019 Complete Tear Down Date 6/14/2019 :

Event Times (If more than one day, give times for each day):

Road closed from 6am-3pm. Event is held from 8am-3pm on 6/14/2019

### Section 3- LOCATION/SITE INFORMATION

Location of Event: 241 Madison Avenue Detroit, MI 48226

Facilities to be used (circle): Street Sidewalk Park City Facility

Please attach a copy of Port-a-John, Sanitation, and Emergency Medical Agreements as well as a site plan which illustrates the anticipated layout of your event including the following:

-Public entrance and exit: not open to the public.

-Location of First Aid

- Location of merchandising booths
- Location of food booths
- Location of garbage receptacles
- Location of beverage booths
- Location of sound stages
- Location of hand washing sinks
- Location of portable restrooms

- Location of fire lane
- Proposed route for walk/run
- Location of tents and canopies
- Sketch of street closure
- Location of bleachers
- Location of press area
- Sketch of proposed light pole banners

#### Section 4- ENTERTAINMENT

Describe the entertainment for this year's event: There is no entertainment.

Will a sound system be used? ☐ Yes ☒ No

If yes, what type of sound system?

#### Section 5- SALES INFORMATION

Will there be advanced ticket sales? ☐ Yes ☒ No  
If yes, please describe:

Will there be on-site ticket sales? ☐ Yes ☒ No  
If yes, list price(s):

Will there be vending or sales? ☒ Yes ☐ No  
If yes, check all that apply:

[ ] Food [ ] Merchandise [ ] Non-Alcoholic Beverages [ ] Alcoholic Beverages

Indicate type of items to be sold:

Will there be food trucks? ☒ Yes ☐ No  
If yes, please list how many:

Will there be a charge for parking? ☒ Yes ☐ No  
If yes, please describe the amount:

How will you advise attendees of parking options? Attendee parking is in the DAC garage located on property.

#### Section 6- PUBLIC SAFETY & PARKING INFORMATION

Name of Private Security Company: Security is provided by DAC Security

Contact Person: Kevin Heidisch, Director of Security

Address: 241 Madison Avenue

Phone: 313.220.5201

City/State/Zip: Detroit MI 48226

Number of Private Security Personnel Hired Per Shift:

Are the private security personnel (check all that apply):

☐ Licensed

☐ Armed

☐ Bonded

### Section 7- COMMUNICATION & COMMUNITY IMPACT INFORMATION

How will your event impact the surrounding community (i.e. pedestrian traffic, sound carryover, safety)?

Adams is a very low traffic street, Comerica Park and Ford Field have been contacted and we have received their approval.

Have local neighborhood groups/businesses approved your event?

☒ Yes

☐ No

Indicate what steps you have or will take to notify them of your event: Communication has been made between

Comerica Park and the DAC (see attached).

### Section 8- EVENT SET-UP

Complete the appropriate categories that apply to the event **Structure**

Describe specific power needs for entertainment and/or music. If generators will be used, described how many and how they will be fueled:

We do not need any power for this event.

Name of vendor providing generators: Contact Person:

Address: N/A

Phone:

City/State/Zip

How Many?

Size/Height

Booth

Tents (enclosed on 3 sides)

Canopy (open on all sides)

Staging/Scaffolding

Bleachers

### Section 9- COMPLETE ALL THAT APPLY

Emergency medical services? N/A

Contact Person:

Address:

City/State/Zip:

Name of company providing port-a-johns. N/A

Contact Person:

Address:

Phone:

City/State/Zip:

Name of private catering company? N/A

Contact Person:

Address:

Phone:

City/State/Zip:

## SPECIAL USE REQUESTS

List any streets or possible streets you are requesting to be closed. Include the day, date, and time of requested closing and reopening. Neighborhood Signatures must be submitted with application for approval. **Barricades are not available from the City of Detroit.**

Will there be street closures? ☒ Yes ☐ No

If yes, please complete the street closure information below and attach a map or sketch of the proposed area for closure.

**STREET NAME:** Adams Street

FROM: John R. TO: Brush

CLOSURE DATES: 6/14/2019 BEG TIME: 6am END TIME: 3pm

REOPEN DATE: 6/14/2019 TIME: 3pm

**STREET NAME:** \_\_\_\_\_

FROM: \_\_\_\_\_ TO: \_\_\_\_\_

CLOSURE DATES: \_\_\_\_\_ BEG TIME: \_\_\_\_\_ END TIME: \_\_\_\_\_

REOPEN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**STREET NAME:** \_\_\_\_\_

FROM: \_\_\_\_\_ TO: \_\_\_\_\_

CLOSURE DATES: \_\_\_\_\_ BEG TIME: \_\_\_\_\_ END TIME: \_\_\_\_\_

REOPEN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**STREET NAME:** \_\_\_\_\_

FROM: \_\_\_\_\_ TO: \_\_\_\_\_

CLOSURE DATES: \_\_\_\_\_ BEG TIME: \_\_\_\_\_ END TIME: \_\_\_\_\_

REOPEN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**STREET NAME:** \_\_\_\_\_

FROM: \_\_\_\_\_ TO: \_\_\_\_\_

CLOSURE DATES: \_\_\_\_\_ BEG TIME: \_\_\_\_\_ END TIME: \_\_\_\_\_

REOPEN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**PLEASE ADD IMPORTANT INFORMATION BELOW AND ATTACH A COPY OF THE FOLLOWING:**

- 1) CERTIFICATE OF INSURANCE**
- 2) EMERGENCY MEDICAL AGREEMENT: Not needed**
- 3) SANITATION AGREEMENT – Sanitation is handled by the DAC**
- 4) PORT-A-JOHN AGREEMENT Not needed**
- 5) COMMUNITY COMMUNICATION: Please see attached.**

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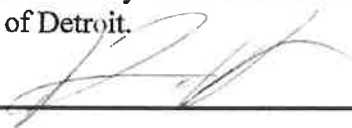
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## AUTHORIZATION & AFFIDAVIT OF APPLICANT

I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief that I have read, understood and agreed to abide by the rules and regulations governing the proposed Special Event, and I understand that this application is made subject to the rules and regulations established by the Mayor or the Mayor's designee. Applicant agrees to comply with all other requirements of the City, County, State, and Federal Government and any other applicable entity, which may pertain to Special Events. I further agree to abide by these rules, and further certify that I, on behalf of the Event agree to be financially responsible for any costs and fees that may be incurred by or on behalf of the Event, to the City of Detroit.

  
Signature of Applicant

5/10/2019  
Date

NOTE: Completion of this form does not constitute approval of your event. Pending review by the Special Events Management Team, you will be notified of any requirements, fees, and/or restrictions pertaining to your event.

## HOLD HARMLESS AND INDEMNIFICATION

The Applicant agrees to indemnify and hold the City of Detroit (which includes its agencies, officers, elected officials, appointed officials and employees) harmless from and against injury, loss, damage or liability (or any claims in respect of the foregoing including claims for personal injury and death, damage to property, and reasonable outside attorney's fees) arising from activities associated with this permit, except to the extent attributable to the gross negligence or intentional act or omission of the City.

Applicant affirms that Applicant has read and understands the Hold Harmless and Indemnification provision and agrees to the terms expressed therein.

(Please Print)

Event Name: Detroit Athletic Club Classic Car Show Event  
Date: 6.14.2019

Event Organizer: Detroit Athletic Club

  
Applicant Signature:



Google Maps 241 Madison St

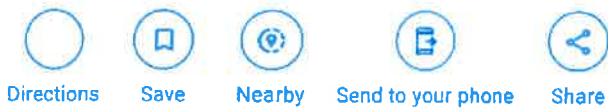


Imagery ©2019 Google, Map data ©2019 Google 100 ft



## 241 Madison St

Detroit, MI 48226



Directions

Save

Nearby

Send to your phone

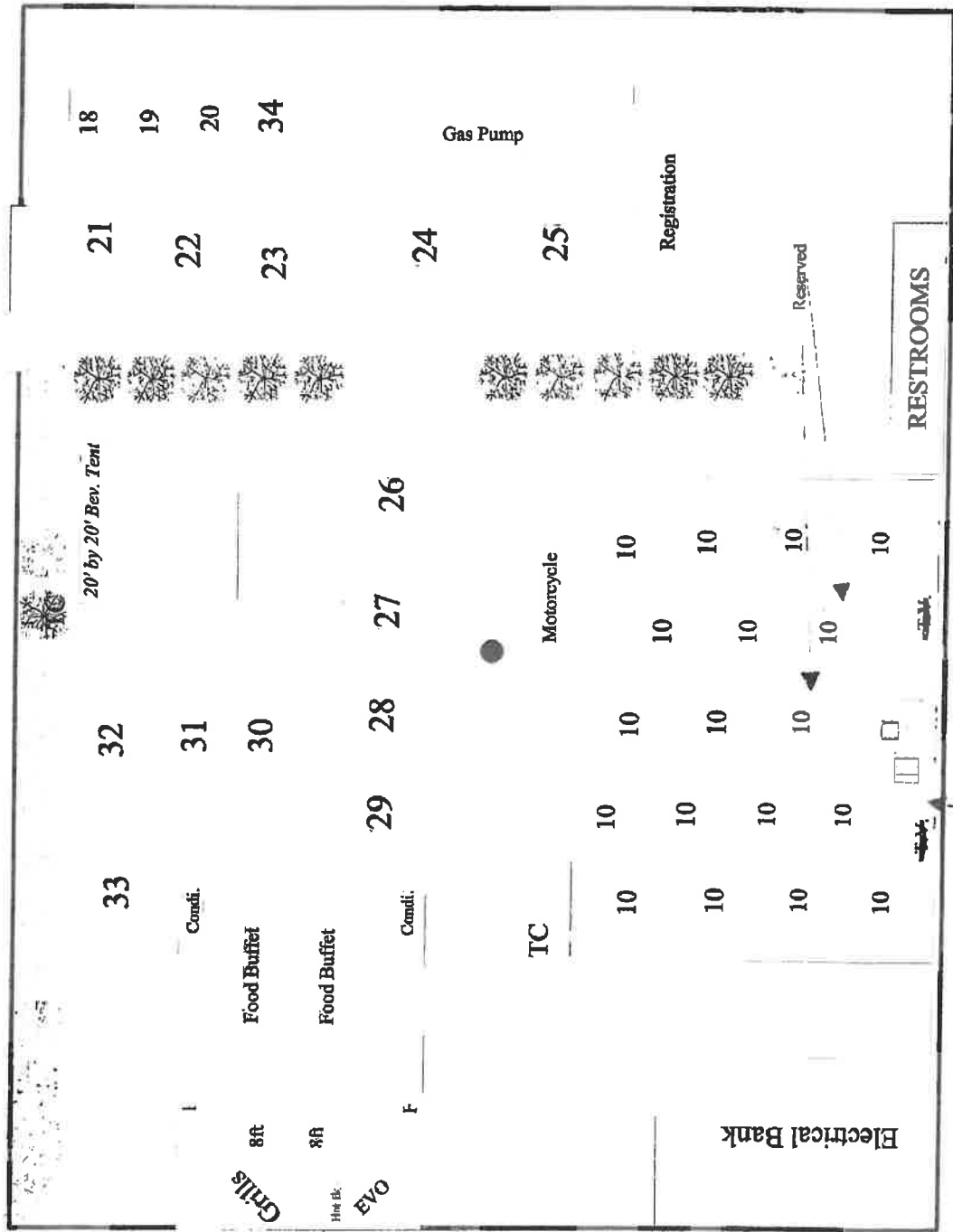
Share

8XQ3+62 Detroit, Michigan

## Photos

<https://www.google.com/maps/place/241+Madison+St,+Detroit,+MI+48226/@42.338063...> 4/17/2019

17 16 15 14 13 12 11.5 11 10da 9 8 7 6 Gate 5 4 3 2 1



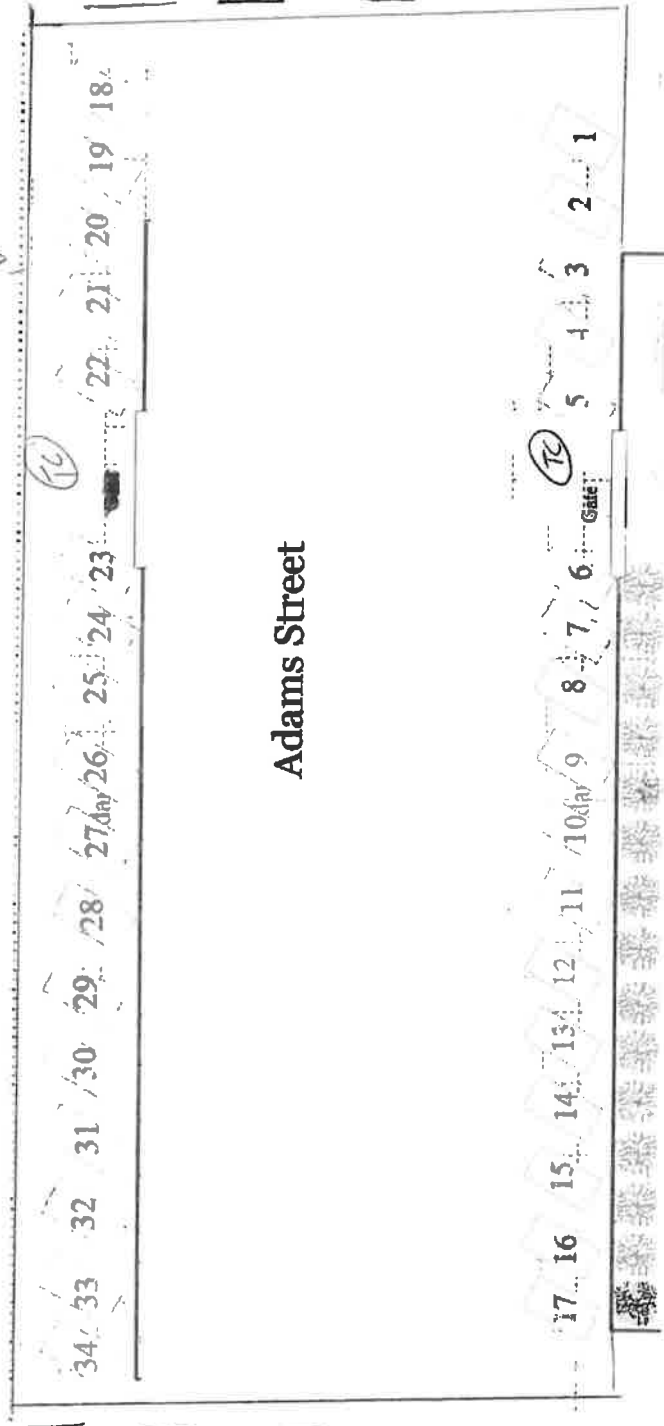
DAC E  
June 8th  
BEO: 12

John R

Stadium Pavilion

# Comerica Park

Bicycle  
Pavilion



Adams Street

# Detroit Athletic Club Pavilion

## Kevin Heidisch

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**From:** Kevin Heidisch  
**Sent:** Thursday, May 09, 2019 3:44 PM  
**To:** 'Jerry Conners'  
**Subject:** RE: DAC Car Show

Thank you

Kevin Heidisch  
Director of Security Garage &  
Property Operations



241 Madison | Detroit, Michigan 48226  
313.442.1053 | [kevinh@thedac.com](mailto:kevinh@thedac.com)

**From:** Jerry Conners [mailto:Jerry.Conners@tigers.com]  
**Sent:** Thursday, May 09, 2019 3:42 PM  
**To:** Kevin Heidisch <KevinH@THEDAC.com>  
**Subject:** Re: DAC Car Show

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Yes sir no problem

Jerry

On May 9, 2019, at 3:04 PM, Kevin Heidisch <[KevinH@thedac.com](mailto:KevinH@thedac.com)> wrote:

Jerry,

Hello, we are planning our annual DAC car show to be held on Friday June 14<sup>th</sup>, 2019. There is a game scheduled that evening, In the past we've had cars on Adams from 7am-3pm to not interfere with the Tigers night game. Do you see any issue with us doing the same format this year?

Regards,  
Kevin Heidisch  
Director of Security Garage &  
Property Operations

<image001.jpg>

241 Madison | Detroit, Michigan 48226  
313.442.1053 | [kevinh@thedac.com](mailto:kevinh@thedac.com)

## Kevin Heidisch

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**From:** Johnson, Darren <Darren.Johnson@lions.nfl.net>  
**Sent:** Friday, May 10, 2019 1:24 PM  
**To:** Kevin Heidisch  
**Subject:** Re: DAC Car Show

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Kevin,

Thanks for the heads up. I don't really think the Adams St. closure will be a vast inconvenience for Ford Field employees or tenants. I will pass this along to our Operations/Security teams.

Get [Outlook for iOS](#)

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**From:** Kevin Heidisch <kevinh@thedac.com>  
**Sent:** Friday, May 10, 2019 1:19 PM  
**To:** Johnson, Darren  
**Subject:** DAC Car Show

Darren,

Hello, we are planning on hosting our annual DAC Classic Car Show on Friday June 14<sup>th</sup>, 2019 . In the past we have displayed vehicles on the southern side of Adams closest to the DAC. This year we would like to display vehicles on both sides of Adams. To do this we need to close Adams between John R. and Brush from 6am-3pm. Ford Field employees will still be able to walk to downtown locations for lunch as they have in the past. Do you foresee any issues with is closing Adams?

Kevin Heidisch  
Director of Security Garage &  
Property Operations



241 Madison | Detroit, Michigan 48226  
313.442.1053 | [kevinh@thedac.com](mailto:kevinh@thedac.com)

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**OFFICE OF CONTRACTING  
AND PROCUREMENT**

June 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3034848      100% City Funding – To Provide Interactive<sup>+</sup> Scenario Safety and Response Training. – Contractor: FAAC Incorporated, DBA IES Interactive Training – Location: 1229 Oak Valley Drive, Ann Arbor MI 48108 – Contract Period: Upon City Council Approval through June 24, 2020 – Total Contract Amount: \$37,490.00. **FIRE**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER** **BENSON**

**RESOLVED**, that Contract No. 3034848 referred to in the foregoing communication dated June 7, 2019, be hereby and is approved.

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**OFFICE OF CONTRACTING  
AND PROCUREMENT**

June 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001953                      100% Public Act 48 of 2002 Funding – To Provide Bituminous Surface Removal (Milling) and Misc. Construction Services. – Contractor: Major Cement Co – Location: 15347 Dale, Detroit, MI 48223 – Contract Period: Upon City Council Approval through June 24, 2021 – Total Contract Amount: \$7,819,046.10.  
**DEPARTMENT OF PUBLIC WORKS**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER**           **BENSON**          

**RESOLVED**, that Contract No. 6001953 referred to in the foregoing communication dated June 7, 2019, be hereby and is approved.



**OFFICE OF CONTRACTING  
AND PROCUREMENT**

June 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001954                      100% Local Streets Capital Funding – To Provide Repair of Sidewalks/Driveways at Various Locations on the Eastside of Detroit. – Contractor: Major Cement Co – Location: 15347 Dale, Detroit, MI 48223 – Contract Period: Upon City Council Approval through June 24, 2021 – Total Contract Amount: \$2,612,630.00.  
**DEPARTMENT OF PUBLIC WORKS**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER**           **BENSON**          

**RESOLVED**, that Contract No. 6001954 referred to in the foregoing communication dated June 7, 2019, be hereby and is approved.

45

**OFFICE OF CONTRACTING  
AND PROCUREMENT**

June 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001955                      100% Major Street Bonds Funding – To Provide Repair of Sidewalks/Driveways at Various Locations on the Westside of Detroit. – Contractor: Major Cement Co – Location: 15347 Dale, Detroit, MI 48223 – Contract Period: Upon City Council Approval through June 24, 2021 – Total Contract Amount: \$2,776,158.00.  
**DEPARTMENT OF PUBLIC WORKS**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER**           **BENSON**          

**RESOLVED**, that Contract No. 6001955 referred to in the foregoing communication dated June 7, 2019, be hereby and is approved.

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**OFFICE OF CONTRACTING  
AND PROCUREMENT**

June 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6002055                      100% City Funding – To Provide Guard Rails and Post for DPW. –  
Contractor: Core & Main, LP – Location: 66725 23 Mile, Shelby  
Township, MI 48316 – Contract Period: Upon City Council  
Approval through May 20, 2020 – Total Contract Amount:  
\$94,488.00. **DEPARTMENT OF PUBLIC WORKS**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER BENSON**

**RESOLVED**, that Contract No. 6002055 referred to in the foregoing communication dated June 7, 2019, be hereby and is approved.

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**OFFICE OF CONTRACTING  
AND PROCUREMENT**

June 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6002150      100% City Funding – To Provide Personal protection Equipment.  
(Turnout Coats, Turnout Pants, and Helmets) – Contractor: Apollo Fire  
Equipment – Location: 12584 Lakeshore Dr., Romeo, MI 48065 –  
Contract Period: Upon City Council Approval through June 3, 2021 –  
Total Contract Amount: \$760,000.00. **FIRE**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER**           **BENSON**          

**RESOLVED**, that Contract No. 6002150 referred to in the foregoing communication dated June 7, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING  
AND PROCUREMENT**

June 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3034921      100% City Funding – To Provide Imminent Danger Residential Demolition at 14123 Monte Vista. – Contractor: DMC Consultants INC – Location: 13500 Foley, Detroit, MI 48227 – Contract Date: Upon City Council Approval through June 3, 2020 – Total Contract Amount: \$21,850.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER BENSON**

**RESOLVED**, that Contract No. 3034921 referred to in the foregoing communication dated June 7, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING  
AND PROCUREMENT**

June 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3034923      100% City Funding – To Provide Imminent Danger Residential Demolition at 18625 Bentler. – Contractor: DMC Consultants INC – Location: 13500 Foley, Detroit, MI 48227 – Contract Date: Upon City Council Approval through June 3, 2020 – Total Contract Amount: \$18,250.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER**           BENSON          

**RESOLVED**, that Contract No. 3034923 referred to in the foregoing communication dated June 7, 2019, be hereby and is approved.



Date: June 5, 2019

HONORABLE CITY COUNCIL

RE: **RECOMMENDATION FOR DEFERRAL**

ADDRESS: 8427 Piedmont

NAME: Athan Slotkin, A5 Realty

Demolition Ordered: September 18, 2011

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on May 30, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1<sup>st</sup> deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.
2. BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.
3. The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:
  - Certificate of Acceptance related to building permits
  - Certificate of Approval as a result of a Housing Inspection
  - Certificate of Compliance, required for all rental properties
4. The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).
5. The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.
6. Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell  
Director

DB:bkd

cc: Athan Slotkin, A5 Realty, 82 Pacific Blvd., Long Beach, NY 11561  
Athan Slotkin, 2329 Second ST, Apt. A, Santa Monica, CA 90405



51

Date: June 5, 2019

HONORABLE CITY COUNCIL

RE: **RECOMMENDATION FOR DEFERRAL**

**ADDRESS: 16633 Santa Rosa**

**NAME: Detroit Land Bank Authority**

**Demolition Ordered: May 11, 2015**

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on June 4, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1<sup>st</sup> deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.
2. BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.
3. The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:
  - Certificate of Acceptance related to building permits
  - Certificate of Approval as a result of a Housing Inspection
  - Certificate of Compliance, required for all rental properties
4. The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).
5. The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.
6. Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell  
Director

DB:bkd

cc: Detroit Land Bank Authority, 500 Griswold-Suite 1200, Detroit, MI 48226  
ATTN: Reginald B. Scott II





52

Date: June 5, 2019

HONORABLE CITY COUNCIL

RE: **RECOMMENDATION FOR DEFERRAL**  
**ADDRESS: 4884 Anderdon-Bldg. 102**  
**NAME: Joel Boykin**  
**Demolition Ordered: February 25, 2019**

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on May 30, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1<sup>st</sup> deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.
2. BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.
3. The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:
  - Certificate of Acceptance related to building permits
  - Certificate of Approval as a result of a Housing Inspection
  - Certificate of Compliance, required for all rental properties
4. The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).
5. The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.
6. Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell  
Director

DB:bkd

cc: Joel Boykin, 2634 W. McNichols, Detroit, MI 48221  
Joel Boykin, 440 W. Burroughs-Suite 304, Detroit, MI 48202

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David Whitaker, Esq.  
Director

Irvin Corley, Jr.  
Executive Policy  
Manager

Marcell R. Todd, Jr.  
Senior City Planner

Janese Chapman  
Deputy Director

LaKisha Barclift, Esq.  
M. Rory Bolger, Ph.D.,  
AICP

Elizabeth Cabot, Esq.

## City of Detroit CITY COUNCIL

### LEGISLATIVE POLICY DIVISION

208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226

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David Teeter

TO: The Honorable Detroit City Council

FROM: David Whitaker, Director  
Legislative Policy Division (LPD) Staff

DATE: June 10, 2019

RE: **State Senate Bill 1 No Fault Automobile Insurance Reform**

On February 19, 2019, Council President Jones requested that the Legislative Policy Division (LPD) provide a report regarding new proposed No Fault insurance reform legislation in the form of Senate Bill 1 – designated as the "auto insurance rate reduction plan". The proposed statute had been introduced on January 15, 2019. At that time the document stated simply that it was intended to enact cost controls to the No Fault system and rate relief for consumers, reduce the number of uninsured drivers, and incentivize more automobile insurers "to write business in this state". It was apparent from simply looking at the less than four page legislative proposal that it was surprisingly brief for such an extensive policy agenda, and indeed lacked any sufficient detail about how the law would be changed to accomplish anything like its stated ambitious policy agenda.

The subsequent history and development of the highly complex and technically ambitious legislation that eventually passed and was signed into law by the Governor on May 30, 2019, demonstrates dramatic departures from any open and transparent legislative process. That disturbing history is recounted in a lengthy procedural addendum at the end of this report.

In terms of the substance of the new legislation, it appears to represent a major concession to the auto insurance industry in the form of elimination of the mandatory lifetime medical care benefits<sup>1</sup> for auto injury victims, in exchange for much-needed, but only limited, rate relief on auto insurance premiums. This basic policy shift is accompanied by a host of administrative provisions that will have to be implemented by state government insurance regulators, insurers and consumers. From

<sup>1</sup> "Personal Injury Protection" or PIP benefits

the perspective of consumers, it may be difficult to determine what the best value received will be for newly available coverage options, and also difficult to comply with complex technical requirements for asserting and perfecting claims under the new law. The ultimate outcome of such significant alterations of the Michigan No Fault auto insurance law is impossible at this time to predict with confidence, because of the complex and significant changes made – without significant public debate or awareness of the legislative choices they embody - to a system that had been in existence (albeit with significant faults) for decades.

### **Amendments to Michigan No Fault Insurance Law**

In general, SB1 trades reductions in available medical benefits under No Fault insurance policies for reduced premiums. The following significant changes have been made to the Michigan No Fault insurance law:

- **No-Fault PIP (Personal Injury Protection, or medical expenses covered by No Fault insurance):** Under the previous law, all drivers were required by law to purchase unlimited No-Fault PIP benefits. That core feature of the No Fault Law has often been publicly blamed for high premiums for auto insurance in Michigan, and especially in Detroit, although to LPD's knowledge no independent study of the insurance industry's books has ever substantiated that claim. After July 1, 2020, drivers will be able to choose from the following No-Fault medical benefit coverage levels: \$50,000 (if a driver is enrolled in Medicaid); \$250,000; \$500,000; or unlimited. Each benefit level then comes with an associated partial reduction of the premium for PIP benefits, as specified below.
- **Opt-Out of No-Fault PIP medical benefits:** Drivers with Medicare may “elect to not maintain coverage” for PIP medical benefits, under auto insurance policies issued or renewed after July 1, 2020. The lower levels of reimbursement for Medicare patients have potentially profound adverse implications for injured motorists, passengers, and pedestrians, as well as providers of costly, high-quality health care for such victims.
- **Savings for drivers:** For 8 years, after July 1, 2020 and until July 1, 2028, the new law promises 45% savings for drivers who opt for the \$50,000 cap on No-Fault PIP medical benefits; 35% savings for drivers who opt for the \$250,000 cap; 20% savings for drivers who choose the \$500,000 cap; and 10% savings for drivers who wish to have “no limit” and maintain their unlimited medical benefits. Drivers who opt-out of PIP medical benefits altogether will see 100% savings on the PIP portion of their auto insurance. All of these savings are limited only to the PIP portion of an auto insurance bill, not to the entire premium. The PIP portion generally averages between 35% and 44% of total auto insurance premiums. Drivers who currently find auto insurance to be unaffordable may or may not experience partial rate cuts to coverage under 35-44% of their premiums as a meaningful difference. This is only one aspect of the critique of the simple trade-off of reduced benefits for reduced premiums, and seems to be directly related to the almost complete lack of public debate of these legislative reforms, as more specifically detailed in the procedural addendum below.
- **Savings for auto insurance companies:** Insurers will be allowed to avoid reducing their premiums if they can demonstrate to the Insurance Commissioner that the new law's mandatory

rate reductions would violate their constitutional rights and/or leave them at risk of having too little capital. The issue of lack of transparency of insurance companies' profits has long been a point of contention in debates over No Fault reform. Whether or not insurers will be able to convince state regulators to exempt them from rate reductions, and whether or not enhanced regulation of the insurance industry envisioned by provisions of SB1 will in fact occur, are unknown at this time.

- **Michigan Catastrophic Claims Association (MCCA):** The MCCA would remain liable for catastrophic injury benefits payable under policies issued or renewed before July 2, 2020, and for subsequently issued policies where drivers have opted to maintain unlimited PIP benefits. Drivers who decide to cap their PIP benefits or opt-out altogether could still be required to pay annual MCCA assessments to cover any deficits. MCCA will pay refunds to drivers if its assets exceed 120% of liabilities. The refund will be the difference between the excess and 120% of liabilities.

- **Medical-provider fee schedule:** A fee schedule based on the Medicare fee schedule will limit reimbursement to providers for auto accident victims. Depending on the type and level of care provided by a facility, reimbursement will range from 190% to 250% of the amount payable under Medicare. The new Medicare-based fee schedule will apply to treatment rendered after July 1, 2021.

- **Passing along savings from medical-provider fee:** The savings that auto insurance companies realize as a result of the fee schedule must be passed along to drivers in form of lower premiums. Auto insurers will be required to document these savings in their rate filings to the Director of the Department of Insurance and Financial Services (DIFS). However, until after July 1, 2022, Michigan's Insurance Commissioner will not be required to start checking to ensure that insurers are passing along their savings to drivers.

- **Insurance premium pricing factors that cannot be considered:** Auto insurers cannot base premium rates on such non-driving factors as: sex, marital status, home ownership, education level attained, occupation, the postal zone in which the insured resides or credit score. The prohibition against these non-driving factors begins July 1, 2020. "Redlining" is explicitly condemned, as refusal to insure or limiting coverage "because of the location of the risk". However, premiums will apparently still be allowed to rely on risks "grouped by territory". And while use of "credit score" to calculate premiums is prohibited, no such prohibition applies to defined terms "credit information" or "credit report". Again, whether or not future regulation of the insurance industry will effectively prevent abuses of such powers must be considered an open question.

- **Mini Tort:** The Michigan mini tort law's maximum recovery limit will immediately increase from \$1,000 to \$3,000.

- **Tolling<sup>2</sup> of the one-year-back rule:** Under the previous No-Fault law, when a car accident victim was denied or cut-off from benefits, they “may not recover benefits for any portion of the loss incurred more than 1 year before the date on which the action was commenced.” (MCL 500.3145(1)) The new law provides that this “limitation . . . is tolled from the date the person claiming the benefits makes a specific claim for the benefits until the date the insurer formally denies the claim.” Tolling does not apply if the claimant “fails to pursue the claim with reasonable diligence.”

- **Independent Medical Examinations (IMEs):** IMEs of car accident victims will be conducted under new rules by doctors hired by insurance companies: (1) The IME doctors must be licensed in Michigan; (2) The examining IME doctor must be a licensed, board certified, or board eligible physician qualified to practice in the area of medicine appropriate to treat the condition; (3) During the year before an IME, the IME doctor must have devoted a majority of professional time to clinical practice of medicine/specialty or teaching in an accredited medical school. It is expected that these rules will take immediate effect.

- **Attendant Care:** After July 1, 2021, auto insurers are not required to pay for more than 56 hours per week of in-home attendant care provided by a family member.

- **Anti-Fraud Unit:** The new law will create an Anti-Fraud Unit to investigate all “criminal and fraudulent activities in the insurance market.” This will take effect immediately.

- **Insurance Commissioner remedies when insurers refuse to pay benefits:** The Insurance Commissioner is required to create a page on the Department of Insurance and Financial Services (DIFS) website describing how the Insurance Commissioner “may be able to assist a person who believes that an automobile insurer is not paying benefits, not making timely payments, or otherwise not performing as it is obligated to do under an insurance policy.” Additionally, the Insurance Commissioner would be required to create a web site page that “allows a person to report insurance fraud and unfair settlement and claims practices.” These requirements will take effect immediately.

- **Higher liability limits:** Liability limits refer to coverage for liability protection if the insured causes an accident and injures someone else. Drivers were previously required to carry a minimum of \$20,000 for bodily injury or death to one person in one accident, or \$40,000 for two or more persons in one accident. The new law will increase those minimum limits to \$50,000 and \$100,000 respectively. A new “default” residual bodily injury limit of \$250,000 and \$500,000 will be offered, with the ability to purchase either more or less coverage, but not less than \$50,000/\$100,000.<sup>3</sup>

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<sup>2</sup> “Tolling” is a legal term of art that refers to a legally required pause in the running of the limitations period on bringing claims. The result is that the statute of limitations does not “run” toward the time when bringing the claim would expire, while it is “tolled”, thereby lengthening the limitations period allowed for bringing legal claims.

<sup>3</sup> The effective date for this provision was reportedly changed on June 4, to avoid a windfall to insurance companies who would be allowed to charge higher premiums immediately for the

- **Suing for excess medical benefits:** Under the new law, a person injured in a car accident can sue for excess medical costs and economic expenses, i.e., those medical costs and expenses that will exceed the dollar amount of the new PIP cap amount they have selected. Michigan now becomes like most other states in this regard, and the amount of third party liability coverage available under the insurance policy liability limits of the other driver who negligently causes an accident becomes much more important. Suing for excess medical benefits may, or may not, become a much more hotly contested issue in Michigan courts after the new PIP Choice levels become available July 1, 2020.<sup>4</sup>

- **Serious Impairment of Body Function threshold for pain and suffering compensation:** Under the new law, a car accident victim will still be required to satisfy the definition of a “serious impairment of body function” in order to be able to sue a driver for pain and suffering compensation, under a restrictive standard articulated in a 2010 Michigan Supreme Court decision. Specifically, the new law defines a “serious impairment of body function” is an “impairment” that: “is objectively manifested, meaning it is observable or perceivable from actual symptoms or conditions by someone other than the injured person”; “is an impairment of an important body function, which is a body function of great value, significance or consequence to the injured person”; and “affects the injured person’s general ability to lead his or her normal life”, meaning it has significantly reduced the person’s capacity to live in their normal manner of living. Although temporal considerations may be relevant, there is no specific requirement for how long such an impairment must last. This examination is inherently fact- and circumstance-specific to each injured person. It must be conducted on a case-by-case basis, and requires comparison of the injured person’s life before and after the incident. This new definition of “serious impairment of body function” will take effect immediately. The new law states that its definition of “serious impairment of body function” is intended to codify and give full effect to the opinion of the Michigan Supreme Court in *McCormick v. Carrier*, 487 Mich 180 (2010).

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additional required third party coverage, if it applied immediately. The legislature wanted to avoid such an immediate premium increase for obvious reasons.

<sup>4</sup> Because a requirement for bringing suit for an automobile accident injury is the restrictive, high standard of “significant impairment” injuries, a third-party lawsuit against a negligent driver to recover excess medical benefits will likely exhaust that party’s liability coverage. Such actions would therefore likely only be able to recover for medical care cost liens, with little or no recovery for the victim’s pain and suffering, or other damages usually allowed under tort law as a result of these severe injuries. For persons who elect not to purchase unlimited PIP benefits coverage, and are severely injured in an auto accident - requiring extensive and very costly medical care - their inability to recover additional damages from negligent drivers will be a major disincentive to even pursuing such claims, likely providing a windfall to insurance companies who probably will not have to defend and pay for many such claims that would otherwise be filed, because the injured victim has no real motive to pursue money for the benefit of their treating medical providers and insurer.

## **Procedural Addendum**

The language of the original proposed S-1 statute was clearly deficient on its face for a statutory law. The first proposed policy reform set forth as “Sec. 3107” stated “IT IS THE INTENT OF THE LEGISLATURE TO ALLOW SENIORS AND OTHER INDIVIDUALS OVER 62 YEARS OF AGE<sup>5</sup> WITH LIFETIME HEALTH CARE BENEFITS TO ENJOY SAVINGS ON THEIR AUTOMOBILE INSURANCE PREMIUMS BY CHOOSING TO NOT CARRY PERSONAL INJURY PROTECTION INSURANCE WHEN THEY EFFECTIVELY ALREADY HAVE COVERAGE FOR INJURIES IN AUTOMOBILE ACCIDENTS.”

It is readily apparent that this provision constitutes a cursory argument in favor of a particular position, rather than a cognizable legal rule suitable for statutory enactment. The whole initial version of SB 1 suffered from this defect, making effective analysis and meaningful debate of the reforms it promised impossible.

LPD understands, as referenced by Council President Jones’ referral memo, that it appears to have been the intent of this draft provision to exempt senior citizens over the age of 62 (presumably because they qualify for federal social security, although they would not qualify for Medicare until age 65), from the mandatory requirement of carrying Personal Protection Insurance (PIP) under their No Fault Automobile Insurance policies. However, this language did not actually enact that policy. On its face, it simply summarized “the intent” to do so.

Similarly, the next initial provision designated “Sec. 3109B”, was also a statement of general policy preference, without any actual, cognizable legislative rule: “IT IS THE INTENT OF THE LEGISLATURE THAT AN INDIVIDUAL WHO PURCHASES AN AUTOMOBILE INSURANCE POLICY IN THIS STATE HAVE THE ABILITY TO CHOOSE AN AMOUNT OF PERSONAL INJURY PROTECTION COVERAGE THAT SUITS THE INDIVIDUAL’S NEEDS, LIFESTYLE, AND BUDGET. THE LEGISLATURE FURTHER INTENDS WHEN AN INDIVIDUAL SELECTS A COVERAGE LEVEL FOR PERSONAL INJURY PROTECTION BENEFITS FROM THOSE ENUMERATED IN STATUTE, THE INDIVIDUAL WILL ENJOY A CORRESPONDING SAVINGS ON HIS OR HER AUTOMOBILE INSURANCE PREMIUM THAT CORRESPONDS WITH THE CHOSEN BENEFIT LEVEL.”

The above language leaves so many questions unanswered that it was nearly impossible to envision it being passed as written by the State legislature, and hard to imagine how even in that unlikely event, it could be implemented as written. How would the automobile insurance consumer exercise “the ability to choose” any particular amount of coverage? What amounts of coverage suit individuals’ needs, lifestyle and budget? How is that determined? By whom? How would it be implemented and enforced? How can one know whether or not a chosen “coverage level” will result in “a corresponding savings on their premium”? In cases of inevitable disputes about what such general language means in particular cases, who decides and by what standards what the premiums, and the benefits, will be? In the absence of so many basic details, the original

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<sup>5</sup> Persons over 62 years of age would be seniors, so what persons older than 62 would be “other” than seniors? The particular language of the original Senate Bill appeared to be less than half baked.

placeholder text of SB 1 did not appear, in LPD's judgment, to be a realistic or appropriate legislative proposal.

The original language of the next provision, "Sec. 3157", as well as a subsequent one, "Sec. 3148", merely changed the word "shall" to the word "MUST", which is merely changing a word without changing the meaning or substantive intent of these provisions at all.

The original version of Subparagraph 2 of Sec. 3157 further stated another general policy preference without sufficient detail to effect legislation: "IT IS THE INTENT OF THE LEGISLATURE, IN SEEKING TO REDUCE MEDICAL COST INFLATION IN THIS STATE RELATED TO NO-FAULT INSURANCE CLAIMS THAT IS 90% HIGHER THAN NORMAL HEALTH CARE INFLATION, THAT A PHYSICIAN, HOSPITAL, CLINIC, OR OTHER PERSON OR INSTITUTION THAT RENDERS A TREATMENT, TRAINING, PRODUCT, SERVICE, OR ACCOMMODATION TO AN INJURED PERSON FOR AN ACCIDENTAL BODILY INJURY NOT BE ELIGIBLE FOR PAYMENT OR REIMBURSEMENT UNDER THIS CHAPTER OF MORE THAN A STATUTORILY DETERMINED AMOUNT THAT IS A REASONABLE PAYMENT FOR THE TREATMENT OR SERVICE RENDERED".

In the absence of such a "statutorily determined amount", which was not provided by the original version of SB 1, this language was also too vague to implement or enforce. How SB 1 would actually reduce costs by reducing medical charges was unexplained, other than general principles that could be applied in many different ways.

Continuing in this same vein of the initial text's facial insufficiency, the next draft provision, designated "Sec. 3157A", originally stated: "IT IS THE INTENT OF THE LEGISLATURE, IN SEEKING TO REDUCE OVERUTILIZATION OF MEDICAL TREATMENTS, PRODUCTS, AND SERVICES RELATED TO NO-FAULT INSURANCE CLAIMS IN THIS STATE, THAT AN ANNUAL UTILIZATION REVIEW BE CONDUCTED BY AN INDEPENDENT PARTY TO IDENTIFY UTILIZATION ABOVE THE USUAL RANGE FOR THE TREATMENT BASED ON MEDICALLY ACCEPTED STANDARDS, WITH CONSEQUENCES FOR PROVIDERS THAT KNOWINGLY PROVIDE FALSE OR MISLEADING INFORMATION."

The impressive number of undefined terms in this provision, which would have to be defined in order for this to take on the form of a statute, include "overutilization"; "utilization review"; "independent party"; "the usual range for the treatment"; "medically accepted standards"; "consequences"; and "false or misleading information". As with the other initial provisions of SB 1, the intent of the proposed statute as originally published was reasonable clear; the means of achieving the desired ends were almost totally unclear.

The final provision of the original SB 1, "Sec. 3148(3)", stated: "IT IS THE INTENT OF THE LEGISLATURE TO REDUCE FRAUD AND CONFLICTS OF INTEREST IN THE NO-FAULT SYSTEM BY PROVIDING FOR RESTRICTIONS ON THE COMMON OWNERSHIP OF, AND REFERRALS BETWEEN AND AMONG, ENTITIES THAT PROVIDE LEGAL, MEDICAL, AND TRANSPORTATION SERVICES".



While the lack of definition of the key terms means LPD is unsure what specific “common ownership and referrals” this referred to, it seems reasonably clear that actual “fraud and conflicts of interest in the no-fault system” are already illegal.

As of May 7, 2019, the Republican majority in the State Senate introduced the first “real” version of SB1, which was passed within hours and sent on to the State House of Representatives. The State House passed its version on May 24, 2019. By May 30, 2019, the actual version of Enrolled Senate Bill 1, representing, upon information and belief, a negotiated compromise between the Republican State Legislature and the new Democratic Governor, was signed into law by the Governor. How the legislation was developed from the initial placeholder to the statute ultimately enacted was not contemporaneously available to the general public, as far as LPD can discern.

From the above partial chronology, it is clear that this No Fault Insurance reform legislation was passed without any adequate public debate of its actual provisions. Rather a placeholder statute was introduced, stating broad policy goals but lacking adequate legislative language to achieve them. Some six (6) weeks later an actual legislative product was finally unveiled, then rushed through both the legislature and the Governor’s office to enact the reforms they wanted, regardless of how Michigan residents and automobile insurance consumers feel about the matter or how we could be affected. What was accomplished, by whom and how, before January 15, 2019, and between that date and the introduction of a first draft of actual statutory reform language some (6) six weeks later in early May, would presumably be useful information for anyone seeking to understand exactly who was behind this statute and how it was orchestrated, in lieu of transparency and normal legislative process. The possibility of some unintended consequences, resulting from such a rushed, closed-door process for passing a law with such potentially vast and expensive social impacts, should probably be kept in mind as we move forward under the new, modified no-fault insurance rules. Moreover, the apparent desire to bypass public debate and keep the public uninformed until it was too late to do anything about the proposed legislation, in order to achieve such a political compromise, is extremely worrisome if it becomes a new norm for State government.

If Council has any other questions or concerns regarding this subject, LPD will be happy to provide further research and analysis upon request.



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383

Fax: (517) 373-1986

Senate Bill 1 (Substitute H-3 as passed by the House)

Sponsor: Senator Aric Nesbitt

Senate Committee: Insurance and Banking

House Committee: Select Committee on Reducing Car Insurance Rates

**CONTENT**

The bill would amend the Insurance Code to do the following:

- Require all automobile insurance policies offered in the State to include benefits for personal injury protection (PIP), property protection insurance, and residual liability insurance.
- Allow an insured person to select, beginning July 1, 2020, one of four PIP coverage levels: 1) \$50,000, if the person were enrolled in Medicaid, or if the person's spouse and any resident relative had qualified health insurance, Medicaid, or insurance that provided PIP benefits, 2) \$250,000; 3) \$500,000; or 4) unlimited.
- Allow a qualified person to elect not to maintain coverage for PIP benefits, for insurance policies issued on or after the bill's effective date, if the person's spouse and any resident relative had qualified health insurance or PIP coverage, and provide the definition of a "qualified person".
- Require any premium rates filed by an insurer for PIP coverage under automobile insurance policies effective before July 1, 2028, to result, as nearly as practicable, in an average reduction per vehicle from the premium rates for PIP coverage that were in effect for the insurer on May 1, 2019, as follows: 1) an average 45% or greater reduction per vehicle for policies with a \$50,000 PIP coverage limit, 2) an average 35% or greater reduction per vehicle for policies with a \$250,000 PIP coverage limit, 3) an average 20% or greater reduction per vehicle for policies with a \$500,000 PIP coverage limit, and 4) an average 10% or greater reduction per vehicle for policies with unlimited PIP coverage.
- Require the Director of the Department of Insurance and Financial Services (DIFS) to review a filing submitted by an insurer, and disapprove a rate filing that the Director determined did not result in the premium reductions required by the bill.
- Require an insurer to submit a revised premium rate filing to the Director within 15 days after the Director disapproved a filing.
- Require an insurer to file, before July 1, 2020, premium rates for PIP coverage for automobile insurance policies effective after July 1, 2020.
- Allow an insurer to apply to the Director for approval to file rates that would result in a lower premium reduction level or an exemption from the bill's requirements, and require the Director to approve the application under certain circumstances.
- Prohibit an insurer from establishing or maintaining rates or rating classification for automobile insurance based on home ownership, educational level attained, occupation, the postal zone in which the insured resided, and credit score.
- Require a rate filing to specify that the insurer would not refuse to insure, refuse to continue to insure, or limit the amount of coverage available because of the location of the risk, and that the insurer recognized those practices to constitute redlining.
- Specify that the Michigan Catastrophic Claims Association (MCCA) would not have liability for a loss under PIP coverage for a motor vehicle accident policy to which the \$50,000, \$250,000, and \$500,000 PIP coverage limits applied after July 1, 2020.
- Require the Director to order the MCCA to issue a rebate, if the actuarial examination showed that the MCCA's assets exceeded 120% of its liabilities.

- Require the MCCA to prepare and submit to the Legislature and post on its website, by September 1 of each year, an annual consumer statement containing certain information.
- Require the MCCA's plan of operation to provide for procedures for a refund to MCCA members, for distribution to insureds, and require the procedures to provide for a distribution of a refund attributable to a historic vehicle equal to 20% of the refund for a car that was not a historic vehicle.
- Require a person entitled to claim PIP benefits through the assigned claims plan to file a completed application on a claim form provided by the Michigan Automobile Insurance Placement Facility (MAIPF) and provide reasonable proof of loss to the MAIPF.
- Require the MAIPF to review a claim for PIP benefits under the assigned claims plan, make an initial determination of a claimant's eligibility for benefits, and deny a claim it determined was ineligible.
- Specify that the MAIPF would be required to provide PIP benefits only up to \$250,000; or \$2.0 million, if the person were entitled to claim benefits under the assigned claims plan.
- Specify that a medical provider would not be eligible for reimbursement for certain services for more than certain specified amounts.
- Require a medical provider to submit necessary records and other information concerning treatment, products, services, or accommodations provided for utilization review.
- Require DIFS to promulgate rules to establish criteria or standards for utilization review.
- Specify that an insurer would be required to pay attendant care only up to 56 hours per week if the care were provided by the injured person's relative, a person domiciled in the injured person's household, or a person with whom the injured person had a business or social relationship before the injury.
- Allow an insurer to contract to pay benefits for attendant care for more than the 56-hour limitation.
- Reduce, from 67% to 55%, the amount of revenue derived from a regulatory fee that could be used for the regulation of financial conduct of people regulated under the Director's authority and for the regulation of people regulated under the Director's authority engaged in the business of health care and health insurance in the State.
- Require DIFS to maintain on its website a page that, among other things, advised that the Department could assist a person who believed that an automobile insurer was not paying benefits, not making timely payments, or otherwise not performing as it was obligated to do under a policy; and a page that advised consumers about the changes to automobile insurance made by the bill.
- Modify certain liability coverage limits for an automobile liability or motor vehicle liability policy that insured against loss resulting from liability imposed by law for property damage, bodily injury, or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle.
- Require the Director to engage one or more independent actuaries to examine the MCCA's affairs and records, beginning July 1, 2022, and every third year after that.
- Require an insurer to offer to an applicant or named insured that selected a PIP coverage limit an exclusion related to other health or accident coverage, if certain conditions applied.
- Increase, from \$1,000 to \$3,000, the threshold for which tort liability arising from the ownership, maintenance, or use within the State of a motor vehicle would apply to damages to a motor vehicle, to the extent the damage were not covered by insurance.

The bill also would enact Chapter 31A (Managed Care) of the Code to do the following:

- Allow an automobile insurer to offer a managed care option that provided for allowable expenses, if certain conditions were met.
- Require an automobile insurer that offered a managed care option also to offer PIP benefits that were not subject to the managed care option.
- Require a managed care option to provide for all of the following: 1) that PIP benefits would be primary and would not be coordinated with other health and accident coverage, 2) that PIP benefits would have to be exhausted by the individual claiming benefits under the managed care option before he or she could seek benefits from another health or accident

coverage provider, and 3) that deductibles, copays, or other similar sanctions would not be assessed or collected for the individual claiming IPP benefits under the managed care option.

Additionally, the bill would enact Chapter 63 (Anti-Fraud Unit) of the Code to do the following:

- Establish an anti-fraud unit as a criminal justice agency within DIFS.
- Allow the anti-fraud unit to conduct criminal background checks on applicants for licenses and current licensees, collect and maintain claims of criminal and fraudulent activities in the insurance industry and investigate claims of criminal and fraudulent activity in the insurance market, among other things.
- Allow the Director to share and receive certain documents, materials, or information.
- Require the anti-fraud unit to prepare and publish to the Legislature, beginning July 1 of the year after the bill's effective date, a report on the anti-fraud unit's efforts to prevent automobile fraud.

Section 3112, which the bill would amend, would apply to products, services, or accommodations provided after the bill's effective date. The bill also states that Section 3135, which the bill would amend, is intended to codify and give full effect to the opinion of the Michigan Supreme Court in *McCormick v. Carrier*, 487 Mich 180 (2010).

MCL 500.150 et al.

Legislative Analyst: Stephen Jackson

## **FISCAL IMPACT**

### **Medicaid Costs**

Enactment of the proposed bill would lead to a gradual increase in Medicaid costs that would depend on the availability of and public interest in unlimited PIP coverage. The bill would mandate that unlimited PIP coverage be available so an indeterminate number of individuals would opt to maintain unlimited coverage.

At present, individuals with automobile insurance in Michigan have unlimited coverage for medical and other costs tied to automobile accidents. If the legislation were enacted, people would have the requirement to purchase limited coverage with the option to purchase unlimited coverage. Some of the costs faced by those in accidents who did not have unlimited coverage would shift to other insurers, including their current primary insurer (whether that is commercial insurance, Medicare, or Medicaid). In many severe injury cases (in which the accident victim became dependent on long-term care) costs would shift to Medicaid as most people do not have long term care coverage beyond the limited coverage provided to Medicare recipients.

The bill would create four levels of PIP coverage, including unlimited, \$500,000, \$250,000, and a \$50,000 option available only to those enrolled in Medicaid. Individuals who were eligible for Medicare or other qualified health coverage could opt out of PIP coverage entirely.

Because of the uncertainty about the interest in unlimited PIP coverage, it is difficult to provide a precise estimate of the potential increase in Medicaid costs. Based on the available data and the assumptions outlined below, the Senate Fiscal Agency (SFA) projects costs similar to those projected in the previous analysis of Senate Bill 1: that enactment of the legislation would cause Medicaid costs to increase gradually over a ten-year period by \$70.0 million General Fund/General Purpose (GF/GP). In other words, Medicaid costs ten years after enactment would be \$70.0 million GF/GP greater, which equates to about a 1.3% increase over a ten-year period, or a 0.13% per year increase in the State share of Medicaid spending. This figure would depend on the interest in unlimited PIP coverage. If more people purchased unlimited PIP coverage, Medicaid costs would be lower. If there were less interest in unlimited PIP coverage, then the increase in Medicaid costs would be greater.

The SFA notes that costs would grow gradually year to year and the rate of growth would slowly decline to the point that, after ten years, the post ten-year annual cost growth would

be less than \$3.0 million GF/GP per year. This long-term annual cost increase would be about 0.05% of overall State Medicaid costs.

This estimate is slightly higher than the estimate included in the SFA analysis of Senate Bill 1 (S-1) and House Bill 4397 (H-1) but that is largely due to the effective date being three months before the start of FY 2020-21, so the original estimate was updated for anticipated medical inflation.

The complete opt-out option for Medicare recipients would lead to an indeterminate number of Medicare-eligible individuals completely opting out. While Medicare-eligible individuals who completely opted out would be fully covered for hospital, pharmaceutical, and physician services, they would have limited coverage for long-term care (up to 100 days under certain circumstances) and attendant care, so those costs would be shifted to Medicaid for those Medicare recipients who were injured in accidents, required long term or attendant care, and spent down to Medicaid eligibility.

Similarly, Medicaid recipients who opted for the \$50,000 coverage level and required extensive care after automobile accidents would see their medical costs shifted from automobile insurance and the MCCA to Medicaid. Over time, the largest component of this cost shift would be nursing home and attendant care.

Other individuals could choose \$250,000, \$500,000, or unlimited PIP coverage. If individuals who chose \$250,000 or \$500,000 in coverage faced large costs from auto accidents, in particular long-term care and attendant care costs, many of them would end up spending down to Medicaid eligibility and that would lead to a cost shift as well.

There were multiple assumptions made in the derivation of this estimate. The SFA used MCCA data from 2017 to model expenditures for cases going back 40 years. To provide the most useful comparison, the SFA made its estimates in 2021 dollars as the legislation would take effect on July 1, 2020, three months before the start of FY 2020-21. The SFA used age and insurance provider data to model the insurance status of the population currently receiving MCCA services. The SFA assumed that Medicaid nursing home and pharmaceutical costs would be similar to MCCA costs for those services, but that Medicaid attendant care, hospital, and physician care costs would be two-thirds of MCCA costs. The SFA assumed 3.0% medical inflation in order to update the cost estimate from the 2017 data.

#### Insurance Premiums Tax Revenue

The reduction in the cost of insurance also would reduce the tax base for the 1.25% insurance premium tax. The exact reduction in revenue would depend on the change in the cost of insurance itself, which would depend partially on the PIP options selected.

The SFA estimates that the longer-term reduction in revenue would be in the range of \$15.0 million to \$20.0 million per year.

#### Department of Insurance and Financial Services

The bill would have an unknown, but likely negative, fiscal impact on the Department of Insurance and Financial Services. The additional responsibilities that would be assigned to DIFS by the bill likely would result in increased administrative costs for the Department. It is possible that several additional FTEs could be required to perform some of these responsibilities, but this would depend on current distribution of duties among existing staff, as well as the volume of information processing, records management, and appeals-related activity generated by the bill. The cost of an additional FTE is estimated at \$120,000 per year. Some responsibilities described in the bill likely would be sufficiently funded by existing appropriations.

The bill would require DIFS to engage at least one independent actuary to examine the MCCA's records and affairs every three years, beginning in July 2022. This cost likely would total less

than \$100,000 per engagement. The director would be required to prepare a report to the Legislature on the audit's findings.

The bill would revise current law to reduce the amount of revenue derived from the regulatory fee on insurers, which may be used for the regulation of financial conduct and health care and health insurance activities under the purview of the director, from 67% to 55%.

The bill also would establish the anti-fraud unit within the Department to prevent and investigate criminal and fraudulent activities in the insurance industry, as established under Executive Order 2018-9. Under that authority, the anti-fraud unit would work with the Department of State Police to have full access to criminal justice information and criminal justice information systems and to conduct criminal background check on applicants for licenses and current licensees, collect and maintain claims of criminal and fraudulent activities, investigate claims of criminal and fraudulent activity, maintain records of investigations, share records of investigations of with other criminal justice agencies, review information from other agencies and work with those agencies to promote investigation and prosecution of criminal and fraudulent activities in the insurance market, and prepare an annual report to the Legislature.

As for the annual costs of operating the anti-fraud unit, appropriations for this unit were first proposed for fiscal year 2019-20. The Governor, the Senate Appropriations Committee, and the House Appropriations Committee recommendations each proposed an appropriation of 6.0 FTEs and \$499,300 in restricted funding for its operations and administration. The cost of criminal history background checks under the bill would be assumed as part of the standard cost of operations of the Department of State Police's Criminal Justice Information Systems budget. Other existing entities that could work toward the objectives of the anti-fraud unit could include the Consumer Protection Practice Bureau, the Department of Attorney General's Health Care Fraud Division and the Department of State Police's Fraud Investigation Unit.

#### Department of Corrections

The bill specifies that a physician, hospital, clinic, or other person or institution that knowingly submitted false or misleading records or other information to an insurer, the MCCA, or the Department would commit a fraudulent insurance act. A person who commits a fraudulent insurance act is guilty of a felony punishable by imprisonment for up to four years, a maximum fine of \$50,000, or both.

This proposed offense would have a negative, but likely minor, fiscal impact on the State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to the State is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Date Completed: 5-28-19

Fiscal Analyst: Steve Angelotti  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2019**

Introduced by Senators Nesbitt, Theis, LaSata, Horn, McBroom, Barrett, Lauwers and VanderWall

**ENROLLED SENATE BILL No. 1**

AN ACT to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending sections 150, 224, 1244, 2038, 2040, 2069, 2105, 2106, 2108, 2111, 2118, 2120, 2151, 3009, 3101, 3101a, 3104, 3107, 3109a, 3111, 3112, 3113, 3114, 3115, 3135, 3142, 3145, 3148, 3151, 3157, 3163, 3172, 3173a, 3174, 3175, and 3177 (MCL 500.150, 500.224, 500.1244, 500.2038, 500.2040, 500.2069, 500.2105, 500.2106, 500.2108, 500.2111, 500.2118, 500.2120, 500.2151, 500.3009, 500.3101, 500.3101a, 500.3104, 500.3107, 500.3109a, 500.3111, 500.3112, 500.3113, 500.3114, 500.3115, 500.3135, 500.3142, 500.3145, 500.3148, 500.3151, 500.3157, 500.3163, 500.3172, 500.3173a, 500.3174, 500.3175, and 500.3177), section 150 as amended by 1992 PA 182, section 224 as amended by 2007 PA 187, section 1244 as amended by 2001 PA 228, section 2069 as amended by 1989 PA 306, section 2108 as amended by 2015 PA 141, section 2111 as amended by 2012 PA 441, sections 2118 and 2120 as amended by 2007 PA 35, section 2151 as added by 2012 PA 165, sections 3009 and 3113 as amended by 2016 PA 346, section 3101 as amended by 2017 PA 140, section 3101a as amended by 2018 PA 510, section 3104 as amended by 2002

PA 662, section 3107 as amended by 2012 PA 542, section 3109a as amended by 2012 PA 454, section 3114 as amended by 2016 PA 347, section 3135 as amended by 2012 PA 158, section 3163 as amended by 2002 PA 697, sections 3172, 3173a, 3174, and 3175 as amended by 2012 PA 204, and section 3177 as amended by 1984 PA 426, and by adding sections 261, 271, 2013a, 2111f, 2116b, 2162, 3107c, 3107d, 3107e, 3157a, and 3157b and chapters 31A and 63.

*The People of the State of Michigan enact:*

Sec. 150. (1) Any person who violates any provision of this act for which a specific penalty is not provided under any other provision of this act or of other laws applicable to the violation must be afforded an opportunity for a hearing before the director under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the director finds that a violation has occurred, the director shall reduce the findings and decision to writing and issue and cause to be served on the person charged with the violation a copy of the findings and an order requiring the person to cease and desist from the violation. In addition, the director may order any of the following:

(a) Payment of a civil fine of not more than \$1,000.00 for each violation. However, if the person knew or reasonably should have known that he or she was in violation of this act, the director may order the payment of a civil fine of not more than \$5,000.00 for each violation. With respect to filings made under chapters 21, 22, 23, 24, and 26, "violation" means a filing not in compliance with those chapters and does not include an action with respect to an individual policy based on a noncomplying filing. An order of the director under this subdivision must not require the payment of civil fines exceeding \$50,000.00. A fine collected under this subdivision must be turned over to the state treasurer and credited to the general fund.

(b) The suspension, limitation, or revocation of the person's license or certificate of authority.

(2) After notice and opportunity for hearing, the director may by order reopen and alter, modify, or set aside, in whole or in part, an order issued under this section if, in the director's opinion, conditions of fact or law have changed to require that action or the public interest requires that action.

(3) If a person knowingly violates a cease and desist order under this section and has been given notice and an opportunity for a hearing held under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the director may order a civil fine of \$20,000.00 for each violation, or a suspension, limitation, or revocation of the person's license, or both. A fine collected under this subsection must be turned over to the state treasurer and credited to the general fund.

(4) The director may apply to the court of claims for an order of the court enjoining a violation of this act.

Sec. 224. (1) All actual and necessary expenses incurred in connection with the examination or other investigation of an insurer or other person regulated under the director's authority must be certified by the director, together with a statement of the work performed including the number of days spent by the director and each of the director's deputies, assistants, employees, and others acting under the director's authority. If correct, the expenses must be paid to the persons by whom they were incurred, on the warrant of the state treasurer payable from appropriations made by the legislature for this purpose.

(2) Except as otherwise provided in subsection (4), the director shall prepare and present to the insurer or other person examined or investigated a statement of the expenses and reasonable cost incurred for each person engaged on the examination or investigation, including amounts necessary to cover the pay and allowances granted to the persons by the Michigan civil service commission, and the administration and supervisory expense including an amount necessary to cover fringe benefits in conjunction with the examination or investigation. Except as otherwise provided in subsection (4), the insurer or other person, on receiving the statement, shall pay to the director the stated amount. The director shall deposit the money with the state treasurer as provided in section 225.

(3) The director may employ attorneys, actuaries, accountants, investment advisers, and other expert personnel not otherwise employees of this state reasonably necessary to assist in the conduct of the examination or investigation or proceeding with respect to an insurer or other person regulated under the director's authority at the insurer's or other person's expense except as otherwise provided in subsection (4). Except as otherwise provided in subsection (4), on certification by the director of the reasonable expenses incurred under this section, the insurer or other person examined or investigated shall pay those expenses directly to the person or firm rendering assistance to the director. Expenses paid directly to such person or firm and the regulatory fees imposed by this section are examination expenses under section 22e of the former single business tax act, 1975 PA 228, or under section 239(1) of the Michigan business tax act, 2007 PA 36, MCL 208.1239.

(4) An insurer is subject to a regulatory fee instead of the costs and expenses provided for in subsections (2) and (3). By June 30 of each year or within 30 days after the enactment into law of any appropriation for the department's operation, the director shall impose on all insurers authorized to do business in this state a regulatory fee calculated as follows:

(a) As used in this subsection:

(i) "A" means total annuity considerations written in this state in the preceding year.



(ii) "B" means base assessment rate. The base assessment rate must not exceed .00038 and must be a fraction, the numerator of which is the total regulatory fee and the denominator of which is the total amount of direct underwritten premiums written in this state by all insurers for the preceding calendar year, as reported to the director on the insurer's annual statements filed with the director.

(iii) "I" means all direct underwritten premiums other than life insurance premiums and annuity considerations written in this state in the preceding year by all insurers.

(iv) "L" means all direct underwritten life insurance premiums written in this state in the preceding year by all life insurers.

(v) Total regulatory fee must not exceed 80% of the gross appropriations for the department's operation for a fiscal year and must be the difference between the gross appropriations for the department's operation for that current fiscal year and any restricted revenues, other than the regulatory fee itself, as identified in the gross appropriation for the department's operation.

(vi) Direct premiums written in this state do not include any amounts that represent claims payments that are made on behalf of, or administrative fees that are paid in connection with, any administrative service contract, cost-plus arrangement, or any other noninsured or self-insured business.

(b) Two actual assessment rates must be calculated so as to distribute 75% of the burden of the regulatory fee shortfall created by the exclusion of annuity considerations from the assessment base to life insurance and 25% to all other insurance. The 2 actual assessment rates must be determined as follows:

$$(i) \frac{L \times B + .75 \times B \times A}{L} = \text{assessment rate for life insurance.}$$

$$(ii) \frac{I \times B + .25 \times B \times A}{I} = \text{assessment rate for insurance other than life insurance.}$$

(c) Each insurer's regulatory fee must be a minimum fee of \$250.00 and must be determined by multiplying the actual assessment rate by the assessment base of that insurer as determined by the director from the insurer's annual statement for the immediately preceding calendar year filed with the director.

(5) Not less than 55% of the revenue derived from the regulatory fee under subsection (4) may be used for the regulation of financial conduct of persons regulated under the director's authority and for the regulation of persons regulated under the director's authority engaged in the business of health care and health insurance in this state.

(6) The amount, if any, by which amounts credited to the director under section 225 exceed actual expenditures under appropriations for the department's operation for a fiscal year must be credited toward the appropriation for the department in the next fiscal year.

(7) All money paid into the state treasury by an insurer under this section must be credited as provided under section 225.

(8) An insurer shall not treat a regulatory fee under this section as a levy or excise on premium but as a regulatory burden that is apportioned in relation to insurance activity in this state. A regulatory fee under this section reflects the insurance regulatory burden on this state as a result of this insurance activity. A foreign or alien insurer authorized to do business in this state may consider the liability required under this section as a burden imposed by this state in the calculation of the insurer's liability required under section 476a.

(9) An insurer may file with the director a protest to the regulatory fee imposed not later than 15 days after receipt of the regulatory fee. The director shall review the grounds for the protest and hold a conference with the insurer at the insurer's request. The director shall transmit his or her findings to the insurer with a restatement of the regulatory fee based on the findings. Statements of regulatory fees to which protests have not been made and restatements of regulatory fees are due and must be paid not later than 30 days after their receipt. Regulatory fees that are not paid when due bear interest on the unpaid fee, which must be calculated at 6-month intervals from the date the fee was due at a rate of interest equal to 1% plus the average interest rate paid at auctions of 5-year United States treasury notes during the 6 months preceding July 1 and January 1, as certified by the state treasurer, and compounded annually, until the assessment is paid in full. An insurer who fails to pay its regulatory fee within the prescribed time limits may have its certificate of authority or license suspended, limited, or revoked as the director considers warranted until the regulatory fee is paid. If the director determines that a regulatory fee or a part of a regulatory fee paid by an insurer is in excess of the amount legally due and payable, the amount of the excess must be refunded or, at the insurer's option, be applied as a credit against the regulatory fee for the next fiscal year. An overpayment of \$100.00 or less must be applied as a credit against the insurer's regulatory fee for the next fiscal year unless the insurer had a \$100.00 or less overpayment in the immediately preceding fiscal year. If the insurer had a \$100.00 or less overpayment in the immediately preceding fiscal year, at the insurer's option, the current fiscal year overpayment of \$100.00 or less must be refunded.

(10) Any amounts stated and presented to or certified, assessed, or imposed on an insurer as provided in subsections (2), (3), and (4) that are unpaid as of the date that the insurer is subjected to a delinquency proceeding under chapter 81 are regarded as an expense of administering the delinquency proceeding and are payable as such from the general assets of the insurer.

(11) In addition to the regulatory fee provided in subsection (4), each insurer that locates records or personnel knowledgeable about those records outside this state under section 476a(3) or section 5256 shall reimburse the department for expenses and reasonable costs incurred by the department as a result of travel and other costs related to examinations or investigations of those records or personnel. The reimbursement must not include any costs that the department would have incurred if the examination had taken place in this state.

(12) As used in this section:

(a) "Annuity considerations" means receipts on the sale of annuities as used in section 22a of the former single business tax act, 1975 PA 228, or in section 235 of the Michigan business tax act, 2007 PA 36, MCL 208.1235.

(b) "Insurer" means an insurer authorized to do business in this state and includes nonprofit health care corporations, dental care corporations, and health maintenance organizations.

Sec. 261. (1) The department shall maintain on its internet website a page that does all of the following:

(a) Advises that the department may be able to assist a person who believes that an automobile insurer is not paying benefits, not making timely payments, or otherwise not performing as it is obligated to do under an insurance policy.

(b) Advises the person of selected important rights that the person has under chapter 20 that specifically relate to automobile insurers and the payment of benefits by automobile insurers.

(c) Allows the person to submit an explanation of the facts of the person's problems with the automobile insurer.

(d) Allows the person to submit electronically, or instructs the person how to provide paper copies of, any documentation to support the facts submitted under subdivision (c).

(e) Explains to the person the steps that the department will take and that may be taken after information is submitted under this section.

(2) The department shall maintain on its internet website a page that advises consumers about the changes to automobile insurance in this state that were made by the amendatory act that added this section, including, among any other information that the director determines to be important, ways to shop for insurance.

(3) The department shall maintain on its internet website a page or pages that allow a person to report fraud and unfair settlement and claims practices.

Sec. 271. By December 31 of 2022 and every year afterward through 2030, the department shall review the effect of changes made to section 3157 by the amendatory act that added this section and provide a report to the legislature on the department's findings.

Sec. 1244. (1) If the director finds that a person has violated this chapter, after an opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the director shall reduce the findings and decision to writing and shall issue and cause to be served on the person charged with the violation a copy of the findings and an order requiring the person to cease and desist from the violation. In addition, the director may order any of the following:

(a) Payment of a civil fine of not more than \$1,000.00 for each violation. However, if the person knew or reasonably should have known that he or she was in violation of this chapter, the director may order the payment of a civil fine of not more than \$5,000.00 for each violation. An order of the director under this subsection must not require the payment of civil fines exceeding \$50,000.00. A fine collected under this subdivision must be turned over to the state treasurer and credited to the general fund of this state.

(b) A refund of any overcharges.

(c) That restitution be made to the insured or other claimant to cover incurred losses, damages, or other harm attributable to the acts of the person found to be in violation of this chapter.

(d) The suspension or revocation of the person's license.

(2) The director may by order, after notice and opportunity for hearing, reopen and alter, modify, or set aside, in whole or in part, an order issued under this section, if in the opinion of the director conditions of fact or of law have changed to require that action, or if the public interest requires that action.

(3) If a person knowingly violates a cease and desist order under this chapter and has been given notice and an opportunity for a hearing held under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the director may order a civil fine of not more than \$20,000.00 for each violation, a suspension or revocation of the person's license, or both. An order issued by the director under this subsection must not require the payment of civil fines exceeding \$100,000.00. A fine collected under this subsection must be turned over to the state treasurer and credited to the general fund of this state.

(4) The director may apply to the court of claims for an order of the court enjoining a violation of this chapter.

Sec. 2013a. (1) The failure of an insurer to materially comply with section 3107c is an unfair method of competition and an unfair or deceptive act or practice in the business of insurance.

(2) This section does not affect any other right of a person under this chapter.

Sec. 2038. (1) If, after opportunity for a hearing held under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the director determines that the person complained of has engaged in methods of competition or unfair or deceptive acts or practices prohibited by sections 2001 to 2050, the director shall reduce his or her findings and decision to writing and shall issue and cause to be served on the person charged with the violation a copy of the findings and an order requiring the person to cease and desist from engaging in that method of competition, act, or practice. The director may also order any of the following:

(a) Payment of a monetary penalty of not more than \$1,000.00 for each violation but not to exceed an aggregate penalty of \$10,000.00, unless the person knew or reasonably should have known he was in violation of this chapter, in which case the penalty must not be more than \$5,000.00 for each violation and must not exceed an aggregate penalty of \$50,000.00 for all violations committed in a 6-month period.

(b) Suspension or revocation of the person's license or certificate of authority if the person knowingly and persistently violated a provision of this chapter.

(c) Refund of any overcharges.

(2) The filing of a petition for review does not stay enforcement of action under this section, but the director may grant, or the appropriate court may order, a stay on appropriate terms.

(3) If a petition for review has not been filed within the time allowed under section 244, until the time for filing the petition expires or, if a petition for review has been filed within that time, until the transcript of the record in the proceeding has been filed in the circuit court, as provided in this chapter, the director, on notice and in a manner as he or she considers proper, may modify or set aside in whole or in part an order issued under this section.

(4) After the expiration of the time allowed for filing a petition for review, if a petition has not been filed within that time, the director may at any time, by order, after notice and opportunity for hearing, reopen and alter, modify, or set aside, in whole or in part, an order issued under this section, if in the director's opinion conditions of fact or of law have so changed as to require that action or if required by the public interest.

Sec. 2040. (1) A person who violates a cease and desist order of the director under this chapter while the order is in effect, after notice and an opportunity for a hearing and on order of the director, may be subject to any of the following:

(a) A monetary penalty of not more than \$20,000.00 for each violation.

(b) Suspension or revocation of the person's license or certificate of authority.

(2) The filing of a petition for review does not stay enforcement under this section, but the director may grant, or the appropriate court may order, a stay on appropriate terms.

(3) A cease and desist order issued by the director under section 2043 must not contain fines or other penalties applicable to acts or omissions that occur before the date of the cease and desist order.

Sec. 2069. An insurer, agent, solicitor, or other person that violates section 2064 or 2066 is guilty of a misdemeanor. On conviction of violating section 2066, the offender must be sentenced to pay a fine of not more than \$100.00 for each violation, or in the discretion of the court, to imprisonment in the county jail of the county in which the offense is committed. On conviction of violating section 2064, the offender must be sentenced to pay a fine of not more than \$2,000.00 for each violation, or in the discretion of the court, to imprisonment in the county jail of the county in which the offense is committed.

Sec. 2105. (1) A policy of automobile insurance or home insurance must not be offered, bound, made, issued, delivered or renewed in this state unless the policy conforms to this chapter.

(2) Except as otherwise expressly provided in subsection (4) and this chapter, this chapter does not apply to insurance written on a group, franchise, blanket policy, or similar basis that offers home insurance or automobile insurance to all members of the group, franchise plan, or blanket coverage who are eligible persons.

(3) For purposes of this section, a group plan includes a franchise plan, and, except as provided in subsection (4), is exempt from this chapter if the group meets all of the following criteria:

(a) Individuals in the group share a common enterprise or an economic or social affinity or relationship.

(b) The group was not created for the purposes of obtaining insurance.

(c) Membership in the group is not conditioned on the purchase of insurance.

(d) The individual members of the group can be specifically identified.

(e) Any other criteria as prescribed by a rule promulgated by the director under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) An insurer, including, but not limited to, an insurer that writes insurance as described in subsection (2), shall not establish or maintain rates or rating classifications for automobile insurance based on a factor that is not allowed, or that is prohibited, under section 2111. This subsection does not prohibit a group discount offered to a group based on the losses or expenses, or both, of the group but does prohibit group membership based on home ownership or postal zone.

(5) The amendments to this chapter made by the amendatory act that added this subsection apply to an insurer exempted from any of the requirements of this chapter under section 2129.

(6) The amendments to this chapter made by the amendatory act that added this subsection apply beginning July 1, 2020.

Sec. 2106. (1) Except as specifically provided in this chapter, chapter 24 and chapter 26 do not apply to automobile insurance and home insurance.

(2) Subject to section 2108(6), an insurer shall file rates with the department for approval in compliance with this act.

(3) An insurer may use rates for home insurance as soon as those rates are filed.

(4) To the extent that other provisions of this act are inconsistent with this chapter, this chapter governs with respect to automobile insurance and home insurance.

Sec. 2108. (1) On the effective date of a manual of classification, manual of rules and rates, rating plan, or modification of a manual of classification, manual of rules and rates, or rating plan that an insurer proposes to use for home insurance, the insurer shall file the manual or plan with the director. For automobile insurance, an insurer shall file a manual or plan described in this subsection in accordance with subsection (6). Each filing under this subsection must state the character and extent of the coverage contemplated. An insurer that is subject to this chapter and that maintains rates in any part of this state shall at all times maintain rates in effect for all eligible persons meeting the underwriting criteria of the insurer.

(2) An insurer may satisfy its obligation to make filings under subsection (1) by becoming a member of, or a subscriber to, a rating organization licensed under chapter 24 or chapter 26 that makes the filings, and by filing with the director a copy of its authorization of the rating organization to make the filings on its behalf. This chapter does not require an insurer to become a member of or a subscriber to a rating organization. An insurer may file and use deviations from filings made on its behalf. The deviations are subject to this chapter.

(3) A filing under this section must be accompanied by a certification by or on behalf of the insurer that, to the best of the insurer's information and belief, the filing conforms to the requirements of this chapter.

(4) A filing under this section must include information that supports the filing with respect to the requirements of section 2109. The information may include 1 or more of the following:

(a) The experience or judgment of the insurer or rating organization making the filing.

(b) The interpretation of the insurer or rating organization of any statistical data it relies on.

(c) The experience of other insurers or rating organizations.

(d) Any other relevant information.

(5) Except as otherwise provided in this subsection, the department shall make a filing under this section and any accompanying information open to public inspection on filing. An insurer or a rating organization filing on the insurer's behalf may designate information included in the filing or any accompanying information as a trade secret. The insurer or the rating organization filing on behalf of the insurer shall demonstrate to the director that the designated information is a trade secret. If the director determines that the information is a trade secret, the information is not subject to public inspection and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. As used in this subsection, "trade secret" means that term as defined in section 2 of the uniform trade secrets act, 1998 PA 448, MCL 445.1902. However, trade secret does not include filings and information accompanying filings under this section that were subject to public inspection before January 11, 2016.

(6) For automobile insurance, an insurer shall file a manual or plan in accordance with chapter 24, except that the manual or plan must remain on file for a waiting period of 90 days before it becomes effective, which period may not be extended by the director; and the waiting period applies regardless of whether supporting information is required by the director under section 2406(1). Upon written application by the insurer, the director may authorize a filing that he or she has reviewed to become effective before expiration of the waiting period.

(7) An insurer shall not make, issue, or renew a contract or policy except in accordance with filings that are in effect for the insurer under this chapter.

(8) A filing under this chapter must specify that the insurer will not refuse to insure, refuse to continue to insure, or limit the amount of coverage available because of the location of the risk, and that the insurer recognizes those practices to constitute redlining. An insurer shall not engage in redlining as described in this subsection.

Sec. 2111. (1) Notwithstanding any provision of this act or this chapter to the contrary, classifications and territorial base rates used by an insurer in this state with respect to automobile insurance or home insurance must conform to the applicable requirements of this section.

(2) Classifications established under this section for automobile insurance must be based only on 1 or more of the following factors, which must be applied by an insurer on a uniform basis throughout this state:

(a) With respect to all automobile insurance coverages:

(i) Either the age of the driver; the length of driving experience; or the number of years licensed to operate a motor vehicle.

(ii) Driver primacy, based on the proportionate use of each vehicle insured under the policy by individual drivers insured or to be insured under the policy.

(iii) Average miles driven weekly, annually, or both.

(iv) Type of use, such as business, farm, or pleasure use.

(v) Vehicle characteristics, features, and options, such as engine displacement, ability of the vehicle and its equipment to protect passengers from injury, and other similar items, including vehicle make and model.

(vi) Daily or weekly commuting mileage.

(vii) Number of cars insured by the insurer or number of licensed operators in the household. However, number of licensed operators must not be used as an indirect measure of marital status.

(viii) Amount of insurance.

(b) In addition to the factors prescribed in subdivision (a), with respect to personal protection insurance coverage:

(i) Earned income.

(ii) Number of dependents of income earners insured under the policy.

(iii) Coordination of benefits.

(iv) Use of a safety belt.

(c) In addition to the factors prescribed in subdivision (a), with respect to collision and comprehensive coverages:

(i) The anticipated cost of vehicle repairs or replacement, which may be measured by age, price, cost new, or value of the insured automobile, and other factors directly relating to that anticipated cost.

(ii) Vehicle make and model.

(iii) Vehicle design characteristics related to vehicle damageability.

(iv) Vehicle characteristics relating to automobile theft prevention devices.

(d) With respect to all automobile insurance coverage other than comprehensive, successful completion by the individual driver or drivers insured under the policy of an accident prevention education course that meets the following criteria:

(i) The course must include a minimum of 8 hours of classroom instruction.

(ii) The course must include, but not be limited to, a review of all of the following:

(A) The effects of aging on driving behavior.

(B) The shapes, colors, and types of road signs.

(C) The effects of alcohol and medication on driving.

(D) The laws relating to the proper use of a motor vehicle.

(E) Accident prevention measures.

(F) The benefits of safety belts and child restraints.

(G) Major driving hazards.

(H) Interaction with other highway users, such as motorcyclists, bicyclists, and pedestrians.

(3) Each insurer shall establish a secondary or merit rating plan for automobile insurance, other than comprehensive coverage. A secondary or merit rating plan required under this subsection must provide for premium surcharges for all coverages for automobile insurance, other than comprehensive coverage, based on any of the following, when that information becomes available to the insurer:

(a) Substantially at-fault accidents.

(b) Convictions for, determinations of responsibility for civil infractions for, or findings of responsibility in probate court for civil infractions for violations under chapter VI of the Michigan vehicle code, 1949 PA 300, MCL 257.601 to 257.750. However, an insured must not be merit rated for a civil infraction under chapter VI of the Michigan vehicle code, 1949 PA 300, MCL 257.601 to 257.750, for a period of time longer than that which the secretary of state's office carries points for that infraction on the insured's motor vehicle record.

(4) An insurer shall not establish or maintain rates or rating classifications for automobile insurance based on any of the following:

- (a) Sex.
- (b) Marital status.
- (c) Home ownership.
- (d) Educational level attained.
- (e) Occupation.
- (f) The postal zone in which the insured resides.
- (g) Credit score as provided in section 2162.

(5) Notwithstanding other provisions of this chapter, automobile insurance risks may be grouped by territory.

(6) This section does not limit insurers or rating organizations from establishing and maintaining statistical reporting territories. This section does not prohibit an insurer from establishing or maintaining, for automobile insurance, a premium discount plan for senior citizens in this state who are 65 years of age or older, if the plan is uniformly applied by the insurer throughout this state. If an insurer has not established and maintained a premium discount plan for senior citizens, the insurer shall offer reduced premium rates to senior citizens in this state who are 65 years of age or older and who drive less than 3,000 miles per year, regardless of statistical data.

(7) Classifications established under this section for home insurance other than inland marine insurance provided by policy floaters or endorsements must be based only on 1 or more of the following factors:

- (a) Amount and types of coverage.
- (b) Security and safety devices, including locks, smoke detectors, and similar, related devices.
- (c) Repairable structural defects reasonably related to risk.
- (d) Fire protection class.
- (e) Construction of structure, based on structure size, building material components, and number of units.

(f) Loss experience of the insured, based on prior claims attributable to factors under the control of the insured that have been paid by an insurer. An insured's failure, after written notice from the insurer, to correct a physical condition that presents a risk of repeated loss is a factor under the control of the insured for purposes of this subdivision.

- (g) Use of smoking materials within the structure.
- (h) Distance of the structure from a fire hydrant.
- (i) Availability of law enforcement or crime prevention services.

(8) Notwithstanding other provisions of this chapter, home insurance risks may be grouped by territory.

(9) An insurer may use factors in addition to those permitted by this section for insurance if the plan is consistent with the purposes of this act and reflects reasonably anticipated reductions or increases in losses or expenses.

Sec. 2111f. (1) Before July 1, 2020, an insurer that offers automobile insurance in this state shall file premium rates for personal protection insurance coverage for automobile insurance policies effective after July 1, 2020.

(2) Subject to subsections (6) and (7), the premium rates filed as required by subsection (1), and any subsequent premium rates filed by the insurer for personal protection insurance coverage under automobile insurance policies effective before July 1, 2028, must result, as nearly as practicable, in an average reduction per vehicle from the premium rates for personal protection insurance coverage that were in effect for the insurer on May 1, 2019 as follows:

(a) For policies subject to the coverage limits under section 3107c(1)(a), an average 45% or greater reduction per vehicle.

(b) For policies subject to the coverage limits under section 3107c(1)(b), an average 35% or greater reduction per vehicle.

(c) For policies subject to the coverage limits under section 3107c(1)(c), an average 20% or greater reduction per vehicle.

(d) For policies not subject to any coverage limit under section 3107c(1)(d), an average 10% or greater reduction per vehicle.

(3) For a policy under which an election under section 3107d has been made to not maintain coverage for personal protection insurance benefits payable under section 3107(1)(a), or for a policy to which an exclusion under section 3109a(2)

applies, the premium rates filed under subsection (1), and any subsequent premium rates filed by the insurer for personal protection insurance coverage must result in no premium charge for coverage for personal protection insurance benefits payable under section 3107(1)(a).

(4) The director shall review a filing submitted by an insurer under subsections (1) to (3) for compliance with this section. Subject to subsection (7), the director shall disapprove a filing if after review the director determines that the filing does not result in the premium reductions required by subsections (2) and (3).

(5) If the director disapproves a premium rate filing under subsection (4), the insurer shall submit a revised premium rate filing to the director within 15 days after the disapproval. The premium rate filing is subject to review in the same manner as an original premium rate filing under subsection (4).

(6) For policies issued or renewed in the year beginning July 1, 2024 and for the year beginning July 1, 2026, an automobile insurer that offers automobile insurance in this state shall make filings demonstrating its compliance with this section.

(7) At any time, an insurer may apply to the director for approval to file rates that result in a lower premium reduction level or an exemption from the requirements of subsection (2) and the director shall approve the application if the rates otherwise comply with this act and compliance with the premium reductions required by subsection (2) will result in any of the following:

(a) The insurer reaching the company action level risk-based capital.

(b) A violation of the Fourteenth Amendment of the United States Constitution as to the insurer. This subdivision does not apply after July 1, 2023.

(c) A violation of section 17 of article I of the state constitution of 1963, as to deprivation of property without due process. This subdivision does not apply after July 1, 2023.

(8) An insurer shall pass on, in filings to which this section applies, savings realized from the application of section 3157(2) to (12) to treatment, products, services, accommodations, or training rendered to individuals who suffered accidental bodily injury from motor vehicle accidents that occurred before the effective date of the amendatory act that added this section. An insurer shall provide the director with all documents and information requested by the director that the director determines are necessary to allow the director to evaluate the insurer's compliance with this subsection. After July 1, 2022, the director shall review all rate filings to which this section applies for compliance with this subsection.

(9) This section does not prohibit an increase for any individual insurance policy premium if the increase results from applying rating factors as approved under this chapter, including the requirements of this section.

(10) After July 1, 2020 and before July 1, 2028, an insurer shall not issue or renew an automobile insurance policy in this state unless the premium rates filed by the insurer for personal protection insurance coverage are approved under this section.

(11) For purposes of calculating a personal protection insurance premium or premium rate under this section, the premium must include the catastrophic claims assessment imposed under section 3104.

(12) If subsection (2) or the application of subsection (2) to any insurer is found to be invalid by a court, the remaining portions of the amendatory act that added this section are not severable and shall be deemed invalid and inoperable.

(13) As used in this section:

(a) "Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC report, including risk-based capital instructions adopted by the National Association of Insurance Commissioners and the director.

(b) "Company action level risk-based capital" means 2 times the insurer's authorized control level RBC.

(c) "RBC report" means the report of the insurer's RBC levels as required by the annual statement instructions.

Sec. 2116b. (1) Subject to subsection (2), an automobile insurer shall not refuse to insure, refuse to continue to insure, limit coverage available to, charge a reinstatement fee for, or increase the premiums for automobile insurance for an eligible person solely because the person previously failed to maintain insurance required by section 3101 for a vehicle owned by the person.

(2) This section only applies to an eligible person that applies for automobile insurance before January 1, 2022.

Sec. 2118. (1) As a condition of maintaining its certificate of authority, an insurer shall not refuse to insure, refuse to continue to insure, or limit coverage available to an eligible person for automobile insurance, except in accordance with underwriting rules established as provided in this section and sections 2119 and 2120.

(2) The underwriting rules that an insurer may establish for automobile insurance must be based only on the following:

(a) Criteria identical to the standards set forth in section 2103(1).

(b) The insurance eligibility point accumulation in excess of the amounts established by section 2103(1) of a member of the household of the eligible person insured or to be insured, if the member of the household usually accounts for 10% or more of the use of a vehicle insured or to be insured. For purposes of this subdivision, a person who is the principal driver for 1 automobile insurance policy is rebuttably presumed not to usually account for more than 10% of the use of other vehicles of the household not insured under the policy of that person.

(c) With respect to a vehicle insured or to be insured, substantial modifications from the vehicle's original manufactured state for purposes of increasing the speed or acceleration capabilities of the vehicle.

(d) Except as otherwise provided in section 2116a or 2116b, failure by the person to provide proof that insurance required by section 3101 was maintained in force with respect to any vehicle that was both owned by the person and driven or moved by the person or by a member of the household of the person during the 6-month period immediately preceding application. The proof must take the form of a certification by the person on a form provided by the insurer that the vehicle was not driven or moved without maintaining the insurance required by section 3101 during the 6-month period immediately preceding application.

(e) Type of vehicle insured or to be insured, based on 1 of the following, without regard to the age of the vehicle:

(i) The vehicle is of limited production or of custom manufacture.

(ii) The insurer does not have a rate lawfully in effect for the type of vehicle.

(iii) The vehicle represents exposure to extraordinary expense for repair or replacement under comprehensive or collision coverage.

(f) Use of a vehicle insured or to be insured for transportation of passengers for hire, for rental purposes, or for commercial purposes. Rules under this subdivision must not be based on the use of a vehicle for volunteer or charitable purposes or for which reimbursement for normal operating expenses is received.

(g) Payment of a minimum deposit at the time of application or renewal, not to exceed the smallest deposit required under an extended payment or premium finance plan customarily used by the insurer.

(h) For purposes of requiring comprehensive deductibles of not more than \$150.00, or of refusing to insure if the person refuses to accept a required deductible, the claim experience of the person with respect to comprehensive coverage.

(i) Total abstinence from the consumption of alcoholic beverages except if such beverages are consumed as part of a religious ceremony. However, an insurer shall not use an underwriting rule based on this subdivision unless the insurer was authorized to transact automobile insurance in this state before January 1, 1981, and has consistently used such an underwriting rule as part of the insurer's automobile insurance underwriting since being authorized to transact automobile insurance in this state.

(j) One or more incidents involving a threat, harassment, or physical assault by the insured or applicant for insurance on an insurer employee, agent, or agent employee while acting within the scope of his or her employment, if a report of the incident was filed with an appropriate law enforcement agency.

Sec. 2120. (1) Affiliated insurers may establish underwriting rules so that each affiliate will provide automobile insurance only to certain eligible persons. This subsection applies only if an eligible person can obtain automobile insurance from 1 of the affiliates. The underwriting rules must be in compliance with this section and sections 2118 and 2119.

(2) An insurer may establish separate rating plans so that certain eligible persons are provided automobile insurance under 1 rating plan and other eligible persons are provided automobile insurance under another rating plan. This subsection applies only if all eligible persons can obtain automobile insurance under a rating plan of the insurer. Underwriting rules consistent with this section and sections 2118 and 2119 must be established to define the rating plan applicable to each eligible person.

(3) Underwriting rules under this section must be based only on the following:

(a) With respect to a vehicle insured or to be insured, substantial modifications from the vehicle's original manufactured state for purposes of increasing the speed or acceleration capabilities of the vehicle.

(b) Except as otherwise provided in section 2116a or 2116b, failure of the person to provide proof that insurance required by section 3101 was maintained in force with respect to any vehicle owned and operated by the person or by a member of the household of the person during the 6-month period immediately preceding application or renewal of the policy. The proof must take the form of a certification by the person that the required insurance was maintained in force for the 6-month period with respect to the vehicle.

(c) For purposes of insuring persons who have refused a deductible lawfully required under section 2118(2)(h), the claim experience of the person with respect to comprehensive coverage.

(d) Refusal of the person to pay a minimum deposit required under section 2118(2)(g).



(e) A person's insurance eligibility point accumulation under section 2103(1)(h), or the total insurance eligibility point accumulation of all persons who account for 10% or more of the use of 1 or more vehicles insured or to be insured under the policy.

(f) The type of vehicle insured or to be insured as provided in section 2118(2)(e).

Sec. 2151. As used in this chapter:

(a) "Adverse action" means an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any personal insurance, existing or applied for.

(b) "Consumer reporting agency" means any person that, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(c) "Credit information" means any credit-related information derived from a credit report, found on a credit report itself, or provided on an application for personal insurance. Information that is not credit-related must not be considered credit information, regardless of whether it is contained in a credit report or in an application, or is used to calculate an insurance score.

(d) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, or credit capacity that is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in the rating of personal insurance.

(e) "Credit score" means the numerical score ranging from 300 to 850 assigned by a consumer reporting agency to measure credit risk and includes FICO credit score.

(f) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

(g) "Personal insurance" means property/casualty insurance written for personal, family, or household use, including automobile, home, motorcycle, mobile home, noncommercial dwelling fire, boat, personal watercraft, snowmobile, and recreational vehicle, whether written on an individual, group, franchise, blanket policy, or similar basis.

Sec. 2162. An insurer shall not use an individual's credit score to establish or maintain rates or rating classifications for automobile insurance. *but not*

Sec. 3009. (1) Subject to subsections (5) to (8), an automobile liability or motor vehicle liability policy that insures against loss resulting from liability imposed by law for property damage, bodily injury, or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle must not be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless the liability coverage is subject to all of the following limits:

(a) A limit, exclusive of interest and costs, of not less than \$250,000.00 because of bodily injury to or death of 1 person in any 1 accident.

(b) Subject to the limit for 1 person in subdivision (a), a limit of not less than \$500,000.00 because of bodily injury to or death of 2 or more persons in any 1 accident.

(c) A limit of not less than \$10,000.00 because of injury to or destruction of property of others in any accident.

(2) If authorized by the insured, automobile liability or motor vehicle liability coverage may be excluded when a vehicle is operated by a named person. An exclusion under this subsection is not valid unless the following notice is on the face of the policy or the declaration page or certificate of the policy and on the certificate of insurance:

Warning—when a named excluded person operates a vehicle all liability coverage is void—no one is insured. Owners of the vehicle and others legally responsible for the acts of the named excluded person remain fully personally liable.

(3) A liability policy described in subsection (1) may exclude coverage for liability as provided in section 3017.

(4) If an insurer deletes coverages from an automobile insurance policy under section 3101, the insurer shall send documentary evidence of the deletion to the insured.

(5) An applicant for or named insured in the automobile liability or motor vehicle liability policy described in subsection (1) may choose to purchase lower limits than required under subsection (1)(a) and (b), but not lower than \$50,000.00 under subsection (1)(a) and \$100,000.00 under subsection (1)(b). To exercise an option under this subsection, the person shall complete a form issued by the director and provided as required by section 3107e, that meets the requirements of subsection (7).

(6) On application for the issuance of a new policy or renewal of an existing policy, an insurer shall do all of the following:

(a) Provide the applicant or named insured the liability options available under this section.

- (b) Provide the applicant or named insured a price for each option available under this section.
- (c) Offer the applicant or named insured the option and form under this subsection.
- (7) The form required under subsection (5) must do all of the following:
  - (a) State, in a conspicuous manner, the risks of choosing liability limits lower than those required by subsection (1)(a) and (b).
  - (b) Provide a way for the person to mark the form to acknowledge that he or she has received a list of the liability options available under this section and the price for each option.
  - (c) Provide a way for the person to mark the form to acknowledge that he or she has read the form and understands the risks of choosing the lower liability limits.
  - (d) Allow the person to sign the form.
- (8) If an insurance policy is issued or renewed as described in subsection (1) and the person named in the policy has not made an effective choice under subsection (5), the limits under subsection (1)(a) and (b) apply to the policy.

Sec. 3101. (1) Except as provided in sections 3107d and 3109a, the owner or registrant of a motor vehicle required to be registered in this state shall maintain security for payment of benefits under personal protection insurance and property protection insurance as required under this chapter, and residual liability insurance. Security is only required to be in effect during the period the motor vehicle is driven or moved on a highway.

(2) Except as provided in section 3107d, all automobile insurance policies offered in this state must include benefits under personal protection insurance, and property protection insurance as provided in this chapter, and residual liability insurance. Notwithstanding any other provision in this act, an insurer that has issued an automobile insurance policy may only delete portions of the coverages under the policy and maintain the comprehensive coverage portion on a motor vehicle that is not driven or moved on a highway in accordance with section 3009(4).

(3) As used in this chapter:

- (a) "Automobile insurance" means that term as defined in section 2102.
- (b) "Commercial quadricycle" means a vehicle to which all of the following apply:
  - (i) The vehicle has fully operative pedals for propulsion entirely by human power.
  - (ii) The vehicle has at least 4 wheels and is operated in a manner similar to a bicycle.
  - (iii) The vehicle has at least 6 seats for passengers.
  - (iv) The vehicle is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power.
  - (v) The vehicle is used for commercial purposes.
  - (vi) The vehicle is operated by the owner of the vehicle or an employee of the owner of the vehicle.
- (c) "Electric bicycle" means that term as defined in section 13e of the Michigan vehicle code, 1949 PA 300, MCL 257.13e.
- (d) "Golf cart" means a vehicle designed for transportation while playing the game of golf.
- (e) "Highway" means highway or street as that term is defined in section 20 of the Michigan vehicle code, 1949 PA 300, MCL 257.20.
- (f) "Moped" means that term as defined in section 32b of the Michigan vehicle code, 1949 PA 300, MCL 257.32b.
- (g) "Motorcycle" means a vehicle that has a saddle or seat for the use of the rider, is designed to travel on not more than 3 wheels in contact with the ground, and is equipped with a motor that exceeds 50 cubic centimeters piston displacement. For purposes of this subdivision, the wheels on any attachment to the vehicle are not considered as wheels in contact with the ground. Motorcycle does not include a moped or an ORV.
- (h) "Motorcycle accident" means a loss that involves the ownership, operation, maintenance, or use of a motorcycle as a motorcycle, but does not involve the ownership, operation, maintenance, or use of a motor vehicle as a motor vehicle.
- (i) "Motor vehicle" means a vehicle, including a trailer, that is operated or designed for operation on a public highway by power other than muscular power and has more than 2 wheels. Motor vehicle does not include any of the following:
  - (i) A motorcycle.
  - (ii) A moped.
  - (iii) A farm tractor or other implement of husbandry that is not subject to the registration requirements of the Michigan vehicle code under section 216 of the Michigan vehicle code, 1949 PA 300, MCL 257.216.
  - (iv) An ORV.
  - (v) A golf cart.

(vi) A power-driven mobility device.

(vii) A commercial quadricycle.

(viii) An electric bicycle.

(j) "Motor vehicle accident" means a loss that involves the ownership, operation, maintenance, or use of a motor vehicle as a motor vehicle regardless of whether the accident also involves the ownership, operation, maintenance, or use of a motorcycle as a motorcycle.

(k) "ORV" means a motor-driven recreation vehicle designed for off-road use and capable of cross-country travel without benefit of road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, an ATV as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, or other means of transportation deriving motive power from a source other than muscle or wind. ORV does not include a vehicle described in this subdivision that is registered for use on a public highway and has the security required under subsection (1) or section 3103 in effect.

(l) "Owner" means any of the following:

(i) A person renting a motor vehicle or having the use of a motor vehicle, under a lease or otherwise, for a period that is greater than 30 days.

(ii) A person renting a motorcycle or having the use of a motorcycle under a lease for a period that is greater than 30 days, or otherwise for a period that is greater than 30 consecutive days. A person who borrows a motorcycle for a period that is less than 30 consecutive days with the consent of the owner is not an owner under this subparagraph.

(iii) A person that holds the legal title to a motor vehicle or motorcycle, other than a person engaged in the business of leasing motor vehicles or motorcycles that is the lessor of a motor vehicle or motorcycle under a lease that provides for the use of the motor vehicle or motorcycle by the lessee for a period that is greater than 30 days.

(iv) A person that has the immediate right of possession of a motor vehicle or motorcycle under an installment sale contract.

(m) "Power-driven mobility device" means a wheelchair or other mobility device powered by a battery, fuel, or other engine and designed to be used by an individual with a mobility disability for the purpose of locomotion.

(n) "Registrant" does not include a person engaged in the business of leasing motor vehicles or motorcycles that is the lessor of a motor vehicle or motorcycle under a lease that provides for the use of the motor vehicle or motorcycle by the lessee for a period that is longer than 30 days.

(4) Security required by subsection (1) may be provided under a policy issued by an authorized insurer that affords insurance for the payment of benefits described in subsection (1). A policy of insurance represented or sold as providing security is considered to provide insurance for the payment of the benefits.

(5) Security required by subsection (1) may be provided by any other method approved by the secretary of state as affording security equivalent to that afforded by a policy of insurance, if proof of the security is filed and continuously maintained with the secretary of state throughout the period the motor vehicle is driven or moved on a highway. The person filing the security has all the obligations and rights of an insurer under this chapter. When the context permits, "insurer" as used in this chapter, includes a person that files the security as provided in this section.

(6) An insurer that issues a policy that provides the security required under subsection (1) may exclude coverage under the policy as provided in section 3017.

Sec. 3101a. (1) An insurer, in conjunction with the issuance of an automobile insurance policy, shall provide to the insured 1 certificate of insurance for each insured vehicle and for private passenger nonfleet automobiles listed on the policy shall supply to the secretary of state the automobile insurer's name, the name of the named insured, the named insured's address, the vehicle identification number for each vehicle listed on the policy, and the policy number. The insurer shall transmit the information required under this subsection in a format as required by the secretary of state. The secretary of state shall not require the information to be transmitted more frequently than every 14 days.

(2) The secretary of state shall provide policy information received under subsection (1) to the Michigan automobile insurance placement facility as required for the Michigan automobile insurance placement facility to comply with this act. Information received by the Michigan automobile insurance placement facility under this subsection is confidential and is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The Michigan automobile insurance placement facility shall only use the information for purposes of administering the assigned claims plan under this chapter and shall not disclose the information to any person unless it is for the purpose of administering the assigned claims plan or in compliance with an order by a court of competent jurisdiction in connection with a fraud investigation or prosecution.

(3) The secretary of state shall provide policy information received under subsection (1) to the department of health and human services as required for the department of health and human services to comply with 2006 PA 593, MCL 550.281 to 550.289.

(4) The secretary of state shall accept as proof of vehicle insurance a transmission of the insured vehicle's vehicle identification number. Policy information submitted by an insurer and received by the secretary of state under this section is confidential, is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be disclosed to any person except the department of health and human services for purposes of 2006 PA 593, MCL 550.281 to 550.289, or pursuant to an order by a court of competent jurisdiction in connection with a claim or fraud investigation or prosecution. The transmission to the secretary of state of a vehicle identification number is proof of insurance to the secretary of state for motor vehicle registration purposes only and is not evidence that a policy of insurance actually exists between an insurer and an individual.

(5) A person who supplies false information to the secretary of state under this section or who issues or uses an altered, fraudulent, or counterfeit certificate of insurance is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(6) The department of health and human services shall report to the senate and house of representatives appropriations committees and standing committees concerning insurance issues on the number of claims and total dollar amount recovered from automobile insurers under 2006 PA 593, MCL 550.281 to 550.289. The reports required by this subsection must be given to the appropriations committees and standing committees concerning insurance issues by December 30 of each year and must cover the preceding 12-month period.

(7) As used in this section:

(a) "Automobile insurance" means that term as defined in section 3303.

(b) "Private passenger nonfleet automobile" means that term as defined in section 3303.

Sec. 3104. (1) The catastrophic claims association is created as an unincorporated, nonprofit association. Each insurer engaged in writing insurance coverages that provide the security required by section 3101(1) in this state, as a condition of its authority to transact insurance in this state, shall be a member of the association and is bound by the plan of operation of the association. An insurer engaged in writing insurance coverages that provide the security required by section 3103(1) in this state, as a condition of its authority to transact insurance in this state, is considered to be a member of the association, but only for purposes of premiums under subsection (7)(d). Except as expressly provided in this section, the association is not subject to any laws of this state with respect to insurers, but in all other respects the association is subject to the laws of this state to the extent that the association would be if it were an insurer organized and subsisting under chapter 50.

(2) For all motor vehicle accident policies issued or renewed before July 2, 2020 and for a motor vehicle accident policy issued or renewed after July 1, 2020 to which section 3107c(1)(d) applies, the association shall provide and each member shall accept indemnification for 100% of the amount of ultimate loss sustained under personal protection insurance coverages in excess of the following amounts in each loss occurrence:

(a) For a motor vehicle accident policy issued or renewed before July 1, 2002, \$250,000.00.

(b) For a motor vehicle accident policy issued or renewed during the period July 1, 2002 to June 30, 2003, \$300,000.00.

(c) For a motor vehicle accident policy issued or renewed during the period July 1, 2003 to June 30, 2004, \$325,000.00.

(d) For a motor vehicle accident policy issued or renewed during the period July 1, 2004 to June 30, 2005, \$350,000.00.

(e) For a motor vehicle accident policy issued or renewed during the period July 1, 2005 to June 30, 2006, \$375,000.00.

(f) For a motor vehicle accident policy issued or renewed during the period July 1, 2006 to June 30, 2007, \$400,000.00.

(g) For a motor vehicle accident policy issued or renewed during the period July 1, 2007 to June 30, 2008, \$420,000.00.

(h) For a motor vehicle accident policy issued or renewed during the period July 1, 2008 to June 30, 2009, \$440,000.00.

(i) For a motor vehicle accident policy issued or renewed during the period July 1, 2009 to June 30, 2010, \$460,000.00.

(j) For a motor vehicle accident policy issued or renewed during the period July 1, 2010 to June 30, 2011, \$480,000.00.

(k) For a motor vehicle accident policy issued or renewed during the period July 1, 2011 to June 30, 2013, \$500,000.00.

(l) For a motor vehicle accident policy issued or renewed during the period July 1, 2013 to June 30, 2015, \$530,000.00.

(m) For a motor vehicle accident policy issued or renewed during the period July 1, 2015 to June 30, 2017, \$545,000.00.

(n) For a motor vehicle accident policy issued or renewed during the period July 1, 2017 to June 30, 2019, \$555,000.00.

(o) For a motor vehicle accident policy issued or renewed during the period July 1, 2019 to June 30, 2021, \$580,000.00. Beginning July 1, 2021, this \$580,000.00 amount must be increased biennially on July 1 of each odd-numbered year, for policies issued or renewed before July 1 of the following odd-numbered year, by the lesser of 6% or the Consumer Price Index, and rounded to the nearest \$5,000.00. The association shall calculate this biennial adjustment by January 1 of the year of its July 1 effective date.

(3) An insurer may withdraw from the association only on ceasing to write insurance that provides the security required by section 3101(1) in this state.

(4) An insurer whose membership in the association has been terminated by withdrawal continues to be bound by the plan of operation, and on withdrawal, all unpaid premiums that have been charged to the withdrawing member are payable as of the effective date of the withdrawal.

(5) An unsatisfied net liability to the association of an insolvent member must be assumed by and apportioned among the remaining members of the association as provided in the plan of operation. The association has all rights allowed by law on behalf of the remaining members against the estate or funds of the insolvent member for money due the association.

(6) If a member has been merged or consolidated into another insurer or another insurer has reinsured a member's entire business that provides the security required by section 3101(1) in this state, the member and successors in interest of the member remain liable for the member's obligations.

(7) The association shall do all of the following on behalf of the members of the association:

(a) Assume 100% of all liability as provided in subsection (2).

(b) Establish procedures by which members must promptly report to the association each claim that, on the basis of the injuries or damages sustained, may reasonably be anticipated to involve the association if the member is ultimately held legally liable for the injuries or damages. Solely for the purpose of reporting claims, the member shall in all instances consider itself legally liable for the injuries or damages. The member shall also advise the association of subsequent developments likely to materially affect the interest of the association in the claim.

(c) Maintain relevant loss and expense data relating to all liabilities of the association and require each member to furnish statistics, in connection with liabilities of the association, at the times and in the form and detail as required by the plan of operation.

(d) In a manner provided for in the plan of operation, calculate and charge to members of the association a total premium sufficient to cover the expected losses and expenses of the association that the association will likely incur during the period for which the premium is applicable. The total premium must include an amount to cover incurred but not reported losses for the period and must be adjusted for any excess or deficient premiums from previous periods. Excesses or deficiencies from previous periods must either be fully adjusted in a single period or be adjusted over several periods in a manner provided for in the plan of operation. Each member must be charged an amount equal to that member's total written car years of insurance providing the security required by section 3101(1) or 3103(1), or both, written in this state during the period to which the premium applies, with the total written car years of insurance multiplied by the applicable average premium per car. The average premium per car is the total premium, as adjusted for any excesses or deficiencies, divided by the total written car years of insurance providing the security required by section 3101(1) or 3103(1), or both, written in this state of all members during the period to which the premium applies, excluding cars insured under a policy with a coverage limit under section 3107c(1)(a), (b), or (c), cars as to which an election to not maintain personal protection insurance benefits has been made under section 3107d, or as to which an exclusion under section 3109a(2) applies, except for any portion of total premium that is an adjustment for a deficiency in a previous period. A member may not be charged a premium for a car insured under a policy with a coverage limit under section 3107c(1)(a), (b), or (c), as to which an election to not maintain personal protection insurance benefits has been made under section 3107d, or as to which an exclusion under section 3109a(2) applies, other than for the portion of the total premium attributable to an adjustment for a deficiency in a previous period. A member must be charged a premium for a historic vehicle that is insured with the member of 20% of the premium charged for a car insured with the member.

(e) Require and accept the payment of premiums from members of the association as provided for in the plan of operation. The association shall do either of the following:

(i) Require payment of the premium in full within 45 days after the premium charge.

(ii) Require payment of the premiums to be made periodically to cover the actual cash obligations of the association.

(f) Receive and distribute all money required by the operation of the association.

(g) Establish procedures for reviewing claims procedures and practices of members of the association. If the claims procedures or practices of a member are considered inadequate to properly service the liabilities of the association, the association may undertake or may contract with another person, including another member, to adjust or assist in the adjustment of claims for the member on claims that create a potential liability to the association and may charge the cost of the adjustment to the member.

(h) Provide any records necessary or requested by the director for the actuarial examination under subsection (21).

(i) Subject to subsection (23), obey an order of the director for a refund under subsection (22).

(8) In addition to other powers granted to it by this section, the association may do all of the following:

(a) Sue and be sued in the name of the association. A judgment against the association does not create any direct liability against the individual members of the association. The association may provide for the indemnification of its

members, members of the board of directors of the association, and officers, employees, and other persons lawfully acting on behalf of the association.

(b) Reinsure all or any portion of its potential liability with reinsurers licensed to transact insurance in this state or approved by the director.

(c) Provide for appropriate housing, equipment, and personnel as necessary to assure the efficient operation of the association.

(d) Pursuant to the plan of operation, adopt reasonable rules for the administration of the association, enforce those rules, and delegate authority, as the board considers necessary to assure the proper administration and operation of the association consistent with the plan of operation.

(e) Contract for goods and services, including independent claims management, actuarial, investment, and legal services, from others in or outside of this state to assure the efficient operation of the association.

(f) Hear and determine complaints of a company or other interested party concerning the operation of the association.

(g) Perform other acts not specifically enumerated in this section that are necessary or proper to accomplish the purposes of the association and that are not inconsistent with this section or the plan of operation.

(9) A board of directors is created and shall operate the association consistent with the plan of operation and this section.

(10) The plan of operation must provide for all of the following:

(a) The establishment of necessary facilities.

(b) The management and operation of the association.

(c) Procedures to be utilized in charging premiums, including adjustments from excess or deficient premiums from prior periods. The plan must require that any deficiency from a prior period be amortized over not fewer than 15 years.

(d) Procedures for a refund to members of the association, for distribution to insureds as provided in subsection (24), as ordered by the director under subsection (22). The procedures must provide for a distribution of a refund attributable to a historic vehicle equal to 20% of the refund for a car that is not a historic vehicle.

(e) Procedures governing the actual payment of premiums to the association.

(f) Reimbursement of each member of the board by the association for actual and necessary expenses incurred on association business.

(g) The investment policy of the association.

(h) Any other matters required by or necessary to effectively implement this section.

(11) The board must include members that would contribute a total of not less than 40% of the total premium calculated under subsection (7)(d). Each board member is entitled to 1 vote. The initial term of office of a board member is 2 years.

(12) As part of the plan of operation, the board shall adopt rules providing for the composition of the board and the terms of board members, consistent with the membership composition requirements in subsections (11) and (13). Terms of the board members must be staggered so that the terms of all the board members do not expire at the same time and so that a board member does not serve a term of more than 4 years.

(13) The board must consist of 5 board members and the director, who shall serve as an ex officio member of the board without vote.

(14) The director shall appoint the board members. A board member shall serve until his or her successor is selected and qualified. The board shall elect the chairperson of the board. The director shall fill any vacancy on the board as provided in the plan of operation.

(15) The board shall meet as often as the chairperson, the director, or the plan of operation requires, or at the request of any 3 board members. The chairperson may vote on all issues. Four board members constitute a quorum.

(16) The board shall furnish to each member of the association an annual report of the operations of the association in a form and detail as determined by the board.

(17) Any amendments to the plan of operation are subject to majority approval by the board, ratification by a majority of the membership of the association having a vote, with voting rights being apportioned according to the premiums charged in subsection (7)(d), and approval by the director.

(18) An insurer authorized to write insurance providing the security required by section 3101(1) in this state, as provided in this section, is bound by and shall formally subscribe to and participate in the plan of operation as a condition of maintaining its authority to transact insurance in this state.

(19) The association is subject to all the reporting, loss reserve, and investment requirements of the director to the same extent as is a member of the association.

(20) Premiums charged members by the association must be recognized in the rate-making procedures for insurance rates in the same manner that expenses and premium taxes are recognized. If a member of the association passes on any portion of the premium payable under this section to an insured, the amount passed on must equal the portion of the premium payable by the member under this section attributable to the car or historic vehicle insured, including any adjustments for excesses or deficiencies from a previous period.

(21) The director or an authorized representative of the director may visit the association at any time and examine any and all of the association's affairs. Beginning July 1, 2022, and every third year after 2022, the director shall engage 1 or more independent actuaries to examine the affairs and records of the association for the previous 3 years. The actuarial examination must be conducted using sound actuarial principles consistent with the applicable statements of principles and the code of professional conduct adopted by the Casualty Actuarial Society. By September 1, 2022 and by September 1 of every third year after 2022, the director shall provide a report to the legislature on the results of the audit conducted under this subsection.

(22) If the actuarial examination under subsection (21) shows that the assets of the association exceed 120% of its liabilities, including incurred but not reported liabilities, and if the refund will not threaten the association's ongoing ability to provide reimbursements for personal protection insurance benefits based on sound actuarial principles consistent with the applicable statements of principles and the code of professional conduct adopted by the Casualty Actuarial Society, the director shall order the association to refund an amount equal to the difference between the total excess and 120% of the liabilities of the association, including incurred but not reported liabilities, under subsection (10)(d) and order the members of the association to distribute the refunds under subsection (24).

(23) Within 30 days after receiving an order from the director under subsection (22), the association may request a hearing to review the order by filing a written request with the director. The department shall conduct the review as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(24) A member of the association shall distribute any refund it receives under subsection (10)(d) to the persons that it insures under policies that provide the security required under section 3101(1) or 3103(1), or both, and that are subject to a premium under this section on a uniform basis per car and historic vehicle in a manner and on the date or dates provided by the director in accordance with an order issued by the director. A refund attributable to a historic vehicle must be equal to 20% of the refund for a car that is not a historic vehicle.

(25) By September 1 of each year, the association shall prepare, submit to the committees of the senate and house of representatives with jurisdiction over insurance matters, and post on the association website an annual consumer statement, written in a manner intended for the general public. The statement must include all of the following:

(a) The number of claims opened during the preceding 12 months, the amount expended on the claims, and the future anticipated costs of the claims.

(b) For each of the preceding 10 years, the total number of open claims, the amount expended on the claims, and the anticipated future costs of the claims.

(c) For each of the preceding 10 years, the total number of claims closed and the amount expended on the claims.

(d) For each of the preceding 10 years, the ratio of claims opened to claims closed.

(e) For each of the preceding 10 years, the average length of open claims.

(f) A statement of the current financial condition of the association and the reasons for any deficit or surplus in collected assessments compared to losses.

(g) A statement of the assumptions, methodology, and data used to make revenue projections. As used in this subdivision, "revenue" means return on investments.

(h) A statement of the assumptions, methodology, and data used to make cost projections.

(i) A list of the association's assets, sorted by category or type of asset, such as stocks, bonds, or mutual funds, and the expected return on each asset.

(j) The total amount of the association's discounted and undiscounted liabilities and a description and explanation of the liabilities, including an explanation of the association's definition of the terms discounted and undiscounted.

(k) Measures taken by the association to contain costs.

(l) A statement explaining what portion of the assessment to insureds as recognized in rates under subsection (20) is attributable to claims occurring in the previous 12 months, administrative costs, and the amount, if any, to adjust for past deficits.

(m) A statement explaining any qualifications identified by the independent auditors in the most recent audit report prepared under subsection (21).

(n) A loss payment summary for each of the preceding years by category.

(o) For each of the preceding 10 years, an injury type summary, categorizing the injuries suffered by claimants the payment of whose claims are being reimbursed by the association, by brain injuries, injuries resulting in quadriplegia, injuries resulting in paraplegia, burn injuries, and other injuries.

(p) A summary of investment returns over the preceding 10 years showing the investment balance, the investment gain, and the percentage return on the investment balance.

(q) A summary of the mortality assumptions used in making cost projections.

(r) A summary of any financial practices that differ from those found in the National Association of Insurance Commissioners Accounting Practices and Procedures Manual.

(26) By September 1 of each year, the association shall prepare and provide to the committees of the senate and house of representatives with jurisdiction over insurance matters an annual report of the association. The report must contain all of the following:

(a) An executive summary.

(b) A discussion of the mortality assumptions used by the association in making cost projections.

(c) An evaluation of the accuracy of the association's actuarial assumptions over the preceding 5 years.

(d) The annual consumer statement prepared under subsection (25).

(e) Anything else the association determines is necessary to advise the legislature about the operations of the association.

(27) The association does not have liability for losses occurring before July 1, 1978. After July 1, 2020, the association does not have liability for an ultimate loss under personal protection insurance coverage for a motor vehicle accident policy to which a limit under section 3107c(1)(a), (b), or (c) is applicable.

(28) As used in this section:

(a) "Association" means the catastrophic claims association created in subsection (1).

(b) "Board" means the board of directors of the association created in subsection (9).

(c) "Car" includes a motorcycle but does not include a historic vehicle.

(d) "Consumer Price Index" means the percentage of change in the Consumer Price Index for all urban consumers in the United States city average for all items for the 24 months before October 1 of the year before the July 1 effective date of the biennial adjustment under subsection (2)(o) as reported by the United States Department of Labor, Bureau of Labor Statistics, and as certified by the director.

(e) "Historic vehicle" means a vehicle that is a registered historic vehicle under section 803a or 803p of the Michigan vehicle code, 1949 PA 300, MCL 257.803a and 257.803p.

(f) "Motor vehicle accident policy" means a policy providing the coverages required under section 3101(1).

(g) "Ultimate loss" means the actual loss amounts that a member is obligated to pay and that are paid or payable by the member; and do not include claim expenses. An ultimate loss is incurred by the association on the date that the loss occurs.

Sec. 3107. (1) Subject to the exceptions and limitations in this chapter, and subject to chapter 31A, personal protection insurance benefits are payable for the following:

(a) Allowable expenses consisting of reasonable charges incurred for reasonably necessary products, services and accommodations for an injured person's care, recovery, or rehabilitation. Allowable expenses do not include either of the following:

(i) Charges for a hospital room in excess of a reasonable and customary charge for semiprivate accommodations, unless the injured person requires special or intensive care.

(ii) Funeral and burial expenses in excess of the amount set forth in the policy, which must not be less than \$1,750.00 or more than \$5,000.00.

(b) Work loss consisting of loss of income from work an injured person would have performed during the first 3 years after the date of the accident if he or she had not been injured. Work loss does not include any loss after the date on which the injured person dies. Because the benefits received from personal protection insurance for loss of income are not taxable income, the benefits payable for the loss of income must be reduced 15% unless the claimant presents to the insurer in support of his or her claim reasonable proof of a lower value of the income tax advantage in his or her case, in which case the lower value must be applied. For the period beginning October 1, 2012 through September 30, 2013, the benefits payable for work loss sustained in a single 30-day period and the income earned by an injured person for work during the same period together must not exceed \$5,189.00, which maximum must be applied pro rata to any lesser period of work loss. Beginning October 1, 2013, the maximum must be adjusted annually to reflect changes in the cost of living under rules prescribed by the director; but any change in the maximum must be applied only to benefits arising out of accidents occurring after the date of change in the maximum.

(c) Expenses not exceeding \$20.00 per day, reasonably incurred in obtaining ordinary and necessary services in lieu of those that, if he or she had not been injured, an injured person would have performed during the first 3 years after the date of the accident, not for income but for the benefit of himself or herself or of his or her dependent.



(2) Both of the following apply to personal protection insurance benefits payable under subsection (1):

(a) A person who is 60 years of age or older and in the event of an accidental bodily injury would not be eligible to receive work loss benefits under subsection (1)(b) may waive coverage for work loss benefits by signing a waiver on a form provided by the insurer. An insurer shall offer a reduced premium rate to a person who waives coverage under this subdivision for work loss benefits. Waiver of coverage for work loss benefits applies only to work loss benefits payable to the person or persons who have signed the waiver form.

(b) An insurer is not required to provide coverage for the medical use of marihuana or for expenses related to the medical use of marihuana.

Sec. 3107c. (1) Except as provided in sections 3107d and 3109a, and subject to subsection (5), for an insurance policy that provides the security required under section 3101(1) and is issued or renewed after July 1, 2020, the applicant or named insured shall, in a way required under section 3107e and on a form approved by the director, select 1 of the following coverage levels for personal protection insurance benefits under section 3107(1)(a):

(a) A limit of \$50,000.00 per individual per loss occurrence for any personal protection insurance benefits under section 3107(1)(a). The selection of a limit under this subdivision is only available to an applicant or named insured if both of the following apply:

(i) The applicant or named insured is enrolled in Medicaid, as that term is defined in section 3157.

(ii) The applicant's or named insured's spouse and any relative of either who resides in the same household has qualified health coverage, as that term is defined in section 3107d, is enrolled in Medicaid, or has coverage for the payment of benefits under section 3107(1)(a) from an insurer that provides the security required by section 3101(1).

(b) A limit of \$250,000.00 per individual per loss occurrence for any personal protection insurance benefits under section 3107(1)(a).

(c) A limit of \$500,000.00 per individual per loss occurrence for any personal protection insurance benefits under section 3107(1)(a).

(d) No limit for personal protection insurance benefits under section 3107(1)(a).

(2) The form required under subsection (1) must do all of the following:

(a) State, in a conspicuous manner, the benefits and risks associated with each coverage option.

(b) Provide a way for the applicant or named insured to mark the form to acknowledge that he or she has read the form and understands the options available.

(c) Allow the applicant or named insured to mark the form to make the selection of coverage level under subsection (1).

(d) Require the applicant or named insured to sign the form.

(3) If an insurance policy is issued or renewed as described in subsection (1) and the applicant or named insured has not made an effective selection under subsection (1) but a premium or premium installment has been paid, there is a rebuttable presumption that the amount of the premium or installment paid accurately reflects the level of coverage applicable to the policy under subsection (1).

(4) If an insurance policy is issued or renewed as described in subsection (1), the applicant or named insured has not made an effective selection under subsection (1), and a presumption under subsection (3) does not apply, subsection (1)(d) applies to the policy.

(5) The coverage level selected under subsection (1) applies to the named insured, the named insured's spouse, and a relative of either domiciled in the same household, and any other person with a right to claim personal protection insurance benefits under the policy.

(6) If benefits are payable under section 3107(1)(a) under 2 or more insurance policies, the benefits are only payable up to an aggregate coverage limit that equals the highest available coverage limit under any 1 of the policies.

(7) This section applies for a transportation network company vehicle, but an applicant or named insured that is a transportation network company shall only select limits under either subsection (1)(b), (c), or (d). As used in this subsection:

(a) "Transportation network company" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act, 2016 PA 345, MCL 257.2102.

(b) "Transportation network company vehicle" means that term as defined in section 3114.

(8) This section also applies to security required under section 3101(1) that is provided by a rental car company certified by the director as a self-insurer under section 3101d. The director shall provide a form for the rental car company to provide to allow a customer to make the selection of a coverage level under subsection (1)(b), (c), or (d).

(9) An insurer shall offer, for a policy that provides the security required under section 3101(1) to which a limit under subsection (1)(a) to (c) applies, a rider that will provide coverage for attendant care in excess of the applicable limit.

Sec. 3107d. (1) For an insurance policy that provides the security required under section 3101(1) and is issued or renewed after July 1, 2020, the applicant or named insured may, in a way required under section 3107e and on a form approved by the director, elect to not maintain coverage for personal protection insurance benefits payable under section 3107(1)(a) if the applicant or named insured is a qualified person, and if the applicant's or named insured's spouse and any relative of either that resides in the same household have qualified health coverage or have coverage for benefits payable under section 3107(1)(a) from an insurer that provides the security required by section 3101(1).

(2) An applicant or named insured shall, when requesting issuance or renewal of a policy under subsection (1), provide to the insurer a document from the person that provides the qualified health coverage stating the names of all persons covered under the qualified health coverage.

(3) The form required under subsection (1) must do all of the following:

(a) Require the applicant or named insured to mark the form to certify whether all persons required to be qualified persons under subsection (1) are qualified persons.

(b) Disclose in a conspicuous manner that qualified persons are not obligated to but may purchase coverage for personal protection insurance coverage benefits payable under section 3107(1)(a).

(c) State, in a conspicuous manner, the coverage levels available under section 3107c.

(d) State, in a conspicuous manner, the benefits and risks associated with not maintaining the coverage.

(e) State, in a conspicuous manner, that if during the term of the policy the qualified health coverage ceases, the person has 30 days after the effective date of the termination of qualified health coverage to obtain insurance that provides coverage under section 3107(1)(a) or the person will be excluded from all personal protection insurance coverage benefits under section 3107(1)(a) during the period in which coverage under this section was not maintained.

(f) Provide a way for the applicant or named insured to mark the form to acknowledge that he or she has read the form and understands it and that he or she understands the options available to him or her.

(g) If all persons required to be qualified persons under subsection (1) are qualified persons, provide the person a way to mark the form to elect to not maintain the coverage.

(h) Require the applicant or named insured to sign the form.

(4) If an insurance policy is issued or renewed as described in subsection (1) and the applicant or named insured has not made an effective election under subsection (1), the policy is considered to provide personal protection benefits under section 3107c(1)(d).

(5) An election under this section applies to the applicant or named insured, the applicant or named insured's spouse, a relative of either domiciled in the same household, and any other person who would have had a right to claim personal protection insurance benefits under the policy but for the election.

(6) If, during the term of an insurance policy under which coverage for personal protection insurance benefits payable under section 3107(1)(a) are not maintained under this section, the persons required to have qualified health coverage under subsection (1) cease to have qualified health coverage, all of the following apply under this subsection:

(a) Within 30 days after the effective date of the termination of qualified health coverage, the named insured shall obtain insurance that includes coverage under section 3107(1)(a).

(b) An insurer that issues policies that provide the security required by section 3101(1) shall not refuse to prospectively insure, limit coverage available to, charge a reinstatement fee to, or increase the insurance premiums for a person who is an eligible person, as that term is defined in section 2103, solely because the person previously failed to obtain insurance that provides coverage for benefits under section 3107(1)(a) in the time required under subdivision (a).

(c) If the applicant or named insured does not obtain insurance as required under subdivision (a) and a person to whom the election under this section applies as described in subsection (6) suffers accidental bodily injury arising from a motor vehicle accident, unless the injured person is entitled to coverage under some other policy, the injured person is not entitled to be paid personal protection insurance benefits under section 3107(1)(a) for the injury but is entitled to claim benefits under the assigned claims plan.

(8) As used in this section:

(a) "Consumer Price Index" means the most comprehensive index of consumer prices available for this state from the United States Department of Labor, Bureau of Labor Statistics.

(b) "Qualified health coverage" means either of the following:

(i) Other health or accident coverage to which both of the following apply:

(A) The coverage does not exclude or limit coverage for injuries related to motor vehicle accidents.

(B) Any annual deductible for the coverage is \$6,000.00 or less per individual. The director shall adjust the amount in this sub-subparagraph on July 1 of each year by the percentage change in the medical component of the Consumer Price Index for the preceding calendar year. However, the director shall not make the adjustment unless the adjustment, or the total of the adjustment and previous unadded adjustments, is \$500.00 or more.

(ii) Coverage under parts A and B of the federal Medicare program established under subchapter XVIII of the social security act, 42 USC 1395 to 1395lll.

(c) "Qualified person" means a person who has qualified health coverage under subdivision (b)(ii).

Sec. 3107e. (1) A form under section 3009, 3107c, or 3107d must be delivered to the applicant or named insured using 1 of the following methods:

- (a) Personal delivery.
- (b) First-class mail, postage prepaid.
- (c) Electronic means in accordance with section 2266.

(2) A person must make a selection under section 3009 or 3107c, or an election under section 3107d in 1 of the following ways:

- (a) Marking and signing a paper form.
- (b) Giving verbal instructions, in person or telephonically, that the form be marked and signed on behalf of the person. To be an effective selection or election, the verbal instructions must be recorded and the recording maintained by the person to whom the instructions were given. If there is a dispute over the effectiveness of a selection or election under this subdivision, there is a presumption that the selection or election was not effective and the insurer has the burden of rebutting the presumption with the recording.
- (c) Electronically marking the form and providing an electronic signature as provided in the uniform electronic transactions act, 2000 PA 305, MCL 450.831 to 450.849.

Sec. 3109a. (1) An insurer that provides personal protection insurance benefits under this chapter may offer deductibles and exclusions reasonably related to other health and accident coverage on the insured. Any deductibles and exclusions offered under this section must be offered at a reduced premium that reflects reasonably anticipated reductions in losses, expenses, or both, are subject to prior approval by the director, and must apply only to benefits payable to the person named in the policy, the spouse of the insured, and any relative of either domiciled in the same household.

(2) An insurer shall offer to an applicant or named insured that selects a personal protection benefit limit under section 3107c(1)(b) an exclusion related to other health or accident coverage. All of the following apply to that exclusion:

(a) If the named insured, his or her spouse, and all relatives domiciled in the same household have accident and health coverage that will cover injuries that occur as the result of a motor vehicle accident, the premium for the personal protection insurance benefits payable under section 3107(1)(a) under the policy must be reduced by 100%.

(b) If a member, but not all members, of the household covered by the insurance policy has health or accident coverage that will cover injuries that occur as the result of a motor vehicle accident, the insurer shall offer a reduced premium that reflects reasonably anticipated reductions in losses, expenses, or both. The reduction must be in addition to the rate rollback required by section 2111f and the share of the premium reduction for the policy attributable to any person with accident and health coverage must be 100%.

(c) Subject to subdivision (d), a person subject to an exclusion under this subsection is not eligible for personal protection benefits under the insurance policy.

(d) If a person subject to an exclusion under this subsection is no longer covered by the health coverage, the named insured shall notify the insurer that the named insured or resident relative is no longer eligible for an exclusion. All of the following apply under this subdivision:

(i) The named insured shall, within 30 days after the effective date of the termination of the health coverage, obtain insurance that provides the security required under section 3101(1) that includes coverage that was excluded under this subsection.

(ii) During the period described in subparagraph (i), if any person excluded suffers accidental bodily injury arising from a motor vehicle accident, the person is entitled to claim benefits under the assigned claims plan.

(e) If the named insured does not obtain insurance that provides the security required under section 3101(1) that includes the coverage excluded under this subsection during the period described in subdivision (d)(i) and the named insured or any person excluded under the policy suffers accidental bodily injury arising from a motor vehicle accident, unless the injured person is entitled to coverage under some other policy, the injured person is not entitled to be paid personal protection insurance benefits under section 3107(1)(a) for the injury that occurred during the period in which coverage under this section was excluded.

(3) An automobile insurer shall not refuse to prospectively insure, limit coverage available to, charge a reinstatement fee for, or increase the premiums for automobile insurance for an eligible person solely because the person previously failed to obtain insurance that provides the security required under section 3101(1) in the time period provided under subsection (2)(d)(i).

(4) The amount of a premium reduction under subsection (1) must appear in a conspicuous manner in the declarations for the policy, and be expressed as a dollar amount or a percentage.

Sec. 3111. Personal protection insurance benefits are payable for accidental bodily injury suffered in an accident occurring out of this state, if the accident occurs within the United States, its territories and possessions, or Canada, and the person whose injury is the basis of the claim was at the time of the accident a named insured under a personal protection insurance policy, the spouse of a named insured, a relative of either domiciled in the same household, or an occupant of a vehicle involved in the accident, if the occupant was a resident of this state or if the owner or registrant of the vehicle was insured under a personal protection insurance policy or provided security approved by the secretary of state under section 3101(4).

Sec. 3112. Personal protection insurance benefits are payable to or for the benefit of an injured person or, in case of his or her death, to or for the benefit of his or her dependents. A health care provider listed in section 3157 may make a claim and assert a direct cause of action against an insurer, or under the assigned claims plan under sections 3171 to 3175, to recover overdue benefits payable for charges for products, services, or accommodations provided to an injured person. Payment by an insurer in good faith of personal protection insurance benefits, to or for the benefit of a person who it believes is entitled to the benefits, discharges the insurer's liability to the extent of the payments unless the insurer has been notified in writing of the claim of some other person. If there is doubt about the proper person to receive the benefits or the proper apportionment among the persons entitled to the benefits, the insurer, the claimant, or any other interested person may apply to the circuit court for an appropriate order. The court may designate the payees and make an equitable apportionment, taking into account the relationship of the payees to the injured person and other factors as the court considers appropriate. In the absence of a court order directing otherwise the insurer may pay:

(a) To the dependents of the injured person, the personal protection insurance benefits accrued before his or her death without appointment of an administrator or executor.

(b) To the surviving spouse, the personal protection insurance benefits due any dependent children living with the spouse.

Sec. 3113. A person is not entitled to be paid personal protection insurance benefits for accidental bodily injury if at the time of the accident any of the following circumstances existed:

(a) The person was willingly operating or willingly using a motor vehicle or motorcycle that was taken unlawfully, and the person knew or should have known that the motor vehicle or motorcycle was taken unlawfully.

(b) The person was the owner or registrant of a motor vehicle or motorcycle involved in the accident with respect to which the security required by section 3101 or 3103 was not in effect.

(c) The person was not a resident of this state, unless the person owned a motor vehicle that was registered and insured in this state.

(d) The person was operating a motor vehicle or motorcycle as to which he or she was named as an excluded operator as allowed under section 3009(2).

(e) The person was the owner or operator of a motor vehicle for which coverage was excluded under a policy exclusion authorized under section 3017.

Sec. 3114. (1) Except as provided in subsections (2), (3), and (5), a personal protection insurance policy described in section 3101(1) applies to accidental bodily injury to the person named in the policy, the person's spouse, and a relative of either domiciled in the same household, if the injury arises from a motor vehicle accident. A personal injury insurance policy described in section 3103(2) applies to accidental bodily injury to the person named in the policy, the person's spouse, and a relative of either domiciled in the same household, if the injury arises from a motorcycle accident. If personal protection insurance benefits or personal injury benefits described in section 3103(2) are payable to or for the benefit of an injured person under his or her own policy and would also be payable under the policy of his or her spouse, relative, or relative's spouse, the injured person's insurer shall pay all of the benefits up to the coverage level applicable under section 3107c to the injured person's policy, and is not entitled to recoupment from the other insurer.

(2) A person who suffers accidental bodily injury while an operator or a passenger of a motor vehicle operated in the business of transporting passengers shall receive the personal protection insurance benefits to which the person is entitled from the insurer of the motor vehicle. This subsection does not apply to a passenger in any of the following, unless the passenger is not entitled to personal protection insurance benefits under any other policy:

(a) A school bus, as defined by the department of education, providing transportation not prohibited by law.

(b) A bus operated by a common carrier of passengers certified by the department of transportation.

(c) A bus operating under a government sponsored transportation program.

(d) A bus operated by or providing service to a nonprofit organization.

- (e) A taxicab insured as prescribed in section 3101 or 3102.
  - (f) A bus operated by a canoe or other watercraft, bicycle, or horse livery used only to transport passengers to or from a destination point.
  - (g) A transportation network company vehicle.
  - (h) A motor vehicle insured under a policy for which the person named in the policy has elected to not maintain coverage for personal protection insurance benefits under section 3107d or as to which an exclusion under section 3109a(2) applies.
- (3) An employee, his or her spouse, or a relative of either domiciled in the same household, who suffers accidental bodily injury while an occupant of a motor vehicle owned or registered by the employer, shall receive personal protection insurance benefits to which the employee is entitled from the insurer of the furnished vehicle.
- (4) Except as provided in subsections (2) and (3), a person who suffers accidental bodily injury arising from a motor vehicle accident while an occupant of a motor vehicle who is not covered under a personal protection insurance policy as provided in subsection (1) shall claim personal protection insurance benefits under the assigned claims plan under sections 3171 to 3175. This subsection does not apply to a person insured under a policy for which the person named in the policy has elected to not maintain coverage for personal protection insurance benefits under section 3107d or as to which an exclusion under section 3109(2) applies, or who is not entitled to be paid personal protection benefits under section 3107d(6)(c) or 3109a(2)(d)(ii).
- (5) Subject to subsections (6) and (7), a person who suffers accidental bodily injury arising from a motor vehicle accident that shows evidence of the involvement of a motor vehicle while an operator or passenger of a motorcycle shall claim personal protection insurance benefits from insurers in the following order of priority:
- (a) The insurer of the owner or registrant of the motor vehicle involved in the accident.
  - (b) The insurer of the operator of the motor vehicle involved in the accident.
  - (c) The motor vehicle insurer of the operator of the motorcycle involved in the accident.
  - (d) The motor vehicle insurer of the owner or registrant of the motorcycle involved in the accident.
- (6) If an applicable insurance policy in an order of priority under subsection (5) is a policy for which the person named in the policy has elected to not maintain coverage for personal protection insurance benefits under section 3107d, or as to which an exclusion under section 3109(2) applies, the injured person shall claim benefits only under other policies, subject to subsection (7), in the same order of priority for which no such election has been made. If there are no other policies for which no such election has been made, the injured person shall claim benefits under the next order of priority or, if there is not a next order of priority, under the assigned claims plan under sections 3171 to 3175.
- (7) If personal protection insurance benefits are payable under subsection (5) under 2 or more insurance policies in the same order of priority, the benefits are only payable up to an aggregate coverage limit that equals the highest available coverage limit under any 1 of the policies.
- (8) Subject to subsections (6) and (7), if 2 or more insurers are in the same order of priority to provide personal protection insurance benefits under subsection (5), an insurer that pays benefits due is entitled to partial recoupment from the other insurers in the same order of priority, and a reasonable amount of partial recoupment of the expense of processing the claim, in order to accomplish equitable distribution of the loss among all of the insurers.
- (9) As used in this section:
- (a) "Personal vehicle", "transportation network company digital network", and "transportation network company prearranged ride" mean those terms as defined in section 2 of the limousine, taxicab, and transportation network company act, 2016 PA 345, MCL 257.2102.
  - (b) "Transportation network company vehicle" means a personal vehicle while the driver is logged on to the transportation network company digital network or while the driver is engaged in a transportation network company prearranged ride.

Sec. 3115. Except as provided in section 3114(1), a person who suffers accidental bodily injury while not an occupant of a motor vehicle shall claim personal protection insurance benefits under the assigned claims plan under sections 3171 to 3175.

Sec. 3135. (1) A person remains subject to tort liability for noneconomic loss caused by his or her ownership, maintenance, or use of a motor vehicle only if the injured person has suffered death, serious impairment of body function, or permanent serious disfigurement.

(2) For a cause of action for damages under subsection (1) or (3)(d), all of the following apply:

- (a) The issues of whether the injured person has suffered serious impairment of body function or permanent serious disfigurement are questions of law for the court if the court finds either of the following:
  - (i) There is no factual dispute concerning the nature and extent of the person's injuries.

(ii) There is a factual dispute concerning the nature and extent of the person's injuries, but the dispute is not material to the determination whether the person has suffered a serious impairment of body function or permanent serious disfigurement. However, for a closed-head injury, a question of fact for the jury is created if a licensed allopathic or osteopathic physician who regularly diagnoses or treats closed-head injuries testifies under oath that there may be a serious neurological injury.

(b) Damages must be assessed on the basis of comparative fault, except that damages must not be assessed in favor of a party who is more than 50% at fault.

(c) Damages must not be assessed in favor of a party who was operating his or her own vehicle at the time the injury occurred and did not have in effect for that motor vehicle the security required by section 3101(1) at the time the injury occurred.

(3) Notwithstanding any other provision of law, tort liability arising from the ownership, maintenance, or use within this state of a motor vehicle with respect to which the security required by section 3101(1) was in effect is abolished except as to:

(a) Intentionally caused harm to persons or property. Even though a person knows that harm to persons or property is substantially certain to be caused by his or her act or omission, the person does not cause or suffer that harm intentionally if he or she acts or refrains from acting for the purpose of averting injury to any person, including himself or herself, or for the purpose of averting damage to tangible property.

(b) Damages for noneconomic loss as provided and limited in subsections (1) and (2).

(c) Damages for allowable expenses, work loss, and survivor's loss as defined in sections 3107 to 3110, including all future allowable expenses and work loss, in excess of any applicable limit under section 3107c or the daily, monthly, and 3-year limitations contained in those sections, or without limit for allowable expenses if an election to not maintain that coverage was made under section 3107d or if an exclusion under section 3109a(2) applies. The party liable for damages is entitled to an exemption reducing his or her liability by the amount of taxes that would have been payable on account of income the injured person would have received if he or she had not been injured.

(d) Damages for economic loss by a nonresident. However, to recover under this subdivision, the nonresident must have suffered death, serious impairment of body function, or permanent serious disfigurement.

(e) Damages up to \$3,000.00 to a motor vehicle, to the extent that the damages are not covered by insurance. An action for damages under this subdivision must be conducted as provided in subsection (4).

(4) All of the following apply to an action for damages under subsection (3)(e):

(a) Damages must be assessed on the basis of comparative fault, except that damages must not be assessed in favor of a party who is more than 50% at fault.

(b) Liability is not a component of residual liability, as prescribed in section 3131, for which maintenance of security is required by this act.

(c) The action must be commenced, whenever legally possible, in the small claims division of the district court or the municipal court. If the defendant or plaintiff removes the action to a higher court and does not prevail, the judge may assess costs.

(d) A decision of the court is not res judicata in any proceeding to determine any other liability arising from the same circumstances that gave rise to the action.

(e) Damages must not be assessed if the damaged motor vehicle was being operated at the time of the damage without the security required by section 3101(1).

(5) As used in this section, "serious impairment of body function" means an impairment that satisfies all of the following requirements:

(a) It is objectively manifested, meaning it is observable or perceivable from actual symptoms or conditions by someone other than the injured person.

(b) It is an impairment of an important body function, which is a body function of great value, significance, or consequence to the injured person.

(c) It affects the injured person's general ability to lead his or her normal life, meaning it has had an influence on some of the person's capacity to live in his or her normal manner of living. Although temporal considerations may be relevant, there is no temporal requirement for how long an impairment must last. This examination is inherently fact and circumstance specific to each injured person, must be conducted on a case-by-case basis, and requires comparison of the injured person's life before and after the incident.

Sec. 3142. (1) Personal protection insurance benefits are payable as loss accrues.

(2) Subject to subsection (3), personal protection insurance benefits are overdue if not paid within 30 days after an insurer receives reasonable proof of the fact and of the amount of loss sustained. Subject to subsection (3), if reasonable proof is not supplied as to the entire claim, the amount supported by reasonable proof is overdue if not paid within

30 days after the proof is received by the insurer. Subject to subsection (3), any part of the remainder of the claim that is later supported by reasonable proof is overdue if not paid within 30 days after the proof is received by the insurer. For the purpose of calculating the extent to which benefits are overdue, payment must be treated as made on the date a draft or other valid instrument was placed in the United States mail in a properly addressed, postpaid envelope, or, if not so posted, on the date of delivery.

(3) For personal protection insurance benefits under section 3107(1)(a), if a bill for the product, service, accommodations, or training is not provided to the insurer within 90 days after the product, service, accommodations, or training is provided, the insurer has 60 days in addition to 30 days provided under subsection (2) to pay before the benefits are overdue.

(4) An overdue payment bears simple interest at the rate of 12% per annum.

Sec. 3145. (1) An action for recovery of personal protection insurance benefits payable under this chapter for an accidental bodily injury may not be commenced later than 1 year after the date of the accident that caused the injury unless written notice of injury as provided in subsection (4) has been given to the insurer within 1 year after the accident or unless the insurer has previously made a payment of personal protection insurance benefits for the injury.

(2) Subject to subsection (3), if the notice has been given or a payment has been made, the action may be commenced at any time within 1 year after the most recent allowable expense, work loss, or survivor's loss has been incurred. However, the claimant may not recover benefits for any portion of the loss incurred more than 1 year before the date on which the action was commenced.

(3) A period of limitations applicable under subsection (2) to the commencement of an action and the recovery of benefits is tolled from the date of a specific claim for payment of the benefits until the date the insurer formally denies the claim. This subsection does not apply if the person claiming the benefits fails to pursue the claim with reasonable diligence.

(4) The notice of injury required by subsection (1) may be given to the insurer or any of its authorized agents by a person claiming to be entitled to benefits for the injury, or by someone in the person's behalf. The notice must give the name and address of the claimant and indicate in ordinary language the name of the person injured and the time, place, and nature of the person's injury.

(5) An action for recovery of property protection insurance benefits may not be commenced later than 1 year after the accident.

Sec. 3148. (1) Subject to subsections (4) and (5), an attorney is entitled to a reasonable fee for advising and representing a claimant in an action for personal or property protection insurance benefits that are overdue. The attorney's fee is a charge against the insurer in addition to the benefits recovered, if the court finds that the insurer unreasonably refused to pay the claim or unreasonably delayed in making proper payment. An attorney advising or representing an injured person concerning a claim for payment of personal protection insurance benefits from an insurer shall not claim, file, or serve a lien for payment of a fee or fees until both of the following apply:

(a) A payment for the claim is authorized under this chapter.

(b) A payment for the claim is overdue under this chapter.

(2) A court may award an insurer a reasonable amount against a claimant as an attorney fee for the insurer's attorney in defending against a claim that was in some respect fraudulent or so excessive as to have no reasonable foundation. A court may award an insurer a reasonable amount against a claimant's attorney as an attorney fee for defending against a claim for which the client was solicited by the attorney in violation of the laws of this state or the Michigan rules of professional conduct.

(3) To the extent that personal or property protection insurance benefits are then due or thereafter come due to the claimant because of loss resulting from the injury on which the claim is based, an attorney fee awarded in favor of the insurer may be taken as an offset against the benefits. Judgment may also be entered against the claimant for any amount of an attorney fee awarded that is not offset against benefits or otherwise paid.

(4) For a dispute over payment for allowable expenses under section 3107(1)(a) for attendant care or nursing services, attorney fees must not be awarded in relation to future payments ordered more than 3 years after the trial court judgment or order is entered. If attendant care or nursing services are subsequently suspended or terminated, attorney fees on future payments may be again awarded for not more than 3 years after a new trial court judgment or order is entered.

(5) A court shall not award a fee to an attorney for advising or representing an injured person in an action for personal or property protection insurance benefits for a treatment, product, service, rehabilitative occupational training, or accommodation provided to the injured person if the attorney or a related person of the attorney has, or had at the time the treatment, product, service, rehabilitative occupational training, or accommodation was provided, a direct or indirect financial interest in the person that provided the treatment, product, service, rehabilitative occupational training, or accommodation. For purposes of this subsection, circumstances in which an attorney has a direct or indirect

financial interest include, but are not limited to, the person that provided the treatment, product, service, rehabilitative occupational training, or accommodation making a direct or indirect payment or granting a financial incentive to the attorney or a related person of the attorney relating to the treatment, product, service, rehabilitative occupational training, or accommodation within 24 months before or after the treatment, product, service, rehabilitative occupational training, or accommodation is provided.

Sec. 3151. (1) If the mental or physical condition of a person is material to a claim that has been or may be made for past or future personal protection insurance benefits, at the request of an insurer the person shall submit to mental or physical examination by physicians. A personal protection insurer may include reasonable provisions that are in accord with this section in a personal protection insurance policy for mental and physical examination of persons claiming personal protection insurance benefits.

(2) A physician who conducts a mental or physical examination under this section must be licensed as a physician in this state or another state and meet the following criteria, as applicable:

(a) The examining physician is a licensed, board certified, or board eligible physician qualified to practice in the area of medicine appropriate to treat the person's condition.

(b) During the year immediately preceding the examination, the examining physician must have devoted a majority of his or her professional time to either or both of the following:

(i) The active clinical practice of medicine and, if subdivision (a) applies, the active clinical practice relevant to the specialty.

(ii) The instruction of students in an accredited medical school or in an accredited residency or clinical research program for physicians and, if subdivision (a) applies, the instruction of students is in the specialty.

Sec. 3157. (1) Subject to subsections (2) to (14), a physician, hospital, clinic, or other person that lawfully renders treatment to an injured person for an accidental bodily injury covered by personal protection insurance, or a person that provides rehabilitative occupational training following the injury, may charge a reasonable amount for the treatment or training. The charge must not exceed the amount the person customarily charges for like treatment or training in cases that do not involve insurance.

(2) Subject to subsections (3) to (14), a physician, hospital, clinic, or other person that renders treatment or rehabilitative occupational training to an injured person for an accidental bodily injury covered by personal protection insurance is not eligible for payment or reimbursement under this chapter for more than the following:

(a) For treatment or training rendered after July 1, 2021 and before July 2, 2022, 200% of the amount payable to the person for the treatment or training under Medicare.

(b) For treatment or training rendered after July 1, 2022 and before July 2, 2023, 195% of the amount payable to the person for the treatment or training under Medicare.

(c) For treatment or training rendered after July 1, 2023, 190% of the amount payable to the person for the treatment or training under Medicare.

(3) Subject to subsections (5) to (14), a physician, hospital, clinic, or other person identified in subsection (4) that renders treatment or rehabilitative occupational training to an injured person for an accidental bodily injury covered by personal protection insurance is eligible for payment or reimbursement under this chapter of not more than the following:

(a) For treatment or training rendered after July 1, 2021 and before July 2, 2022, 230% of the amount payable to the person for the treatment or training under Medicare.

(b) For treatment or training rendered after July 1, 2022 and before July 2, 2023, 225% of the amount payable to the person for the treatment or training under Medicare.

(c) For treatment or training rendered after July 1, 2023, 220% of the amount payable to the person for the treatment or training under Medicare.

(4) Subject to subsection (5), subsection (3) only applies to a physician, hospital, clinic, or other person if either of the following applies to the person rendering the treatment or training:

(a) On July 1 of the year in which the person renders the treatment or training, the person has 20% or more, but less than 30%, indigent volume determined pursuant to the methodology used by the department of health and human services in determining inpatient medical/surgical factors used in measuring eligibility for Medicaid disproportionate share payments.

(b) The person is a freestanding rehabilitation facility. Each year the director shall designate not more than 2 freestanding rehabilitation facilities to qualify for payments under subsection (3) for that year. As used in this subdivision, "freestanding rehabilitation facility" means an acute care hospital to which all of the following apply:

(i) The hospital has staff with specialized and demonstrated rehabilitation medicine expertise.



- (ii) The hospital possesses sophisticated technology and specialized facilities.
- (iii) The hospital participates in rehabilitation research and clinical education.
- (iv) The hospital assists patients to achieve excellent rehabilitation outcomes.
- (v) The hospital coordinates necessary post-discharge services.
- (vi) The hospital is accredited by 1 or more third-party, independent organizations focused on quality.
- (vii) The hospital serves the rehabilitation needs of catastrophically injured patients in this state.
- (viii) The hospital was in existence on May 1, 2019.

(5) To qualify for a payment under subsection (4)(a), a physician, hospital, clinic, or other person shall provide the director with all documents and information requested by the director that the director determines are necessary to allow the director to determine whether the person qualifies. The director shall annually review documents and information provided under this subsection and, if the person qualifies under subsection (4)(a), shall certify the person as qualifying and provide a list of qualifying persons to insurers and other persons that provide the security required under section 3101(1). A physician, hospital, clinic, or other person that provides 30% or more of its total treatment or training as described under subsection (4)(a) is entitled to receive, instead of an applicable percentage under subsection (3), 250% of the amount payable to the person for the treatment or training under Medicare.

(6) Subject to subsections (7) to (14), a hospital that is a level I or level II trauma center that renders treatment to an injured person for an accidental bodily injury covered by personal protection insurance, if the treatment is for an emergency medical condition and rendered before the patient is stabilized and transferred, is not eligible for payment or reimbursement under this chapter of more than the following:

(a) For treatment rendered after July 1, 2021 and before July 2, 2022, 240% of the amount payable to the hospital for the treatment under Medicare.

(b) For treatment rendered after July 1, 2022 and before July 2, 2023, 235% of the amount payable to the hospital for the treatment under Medicare.

(c) For treatment rendered after July 1, 2023, 230% of the amount payable to the hospital for the treatment under Medicare.

(7) If Medicare does not provide an amount payable for a treatment or rehabilitative occupational training under subsection (2), (3), (5), or (6), the physician, hospital, clinic, or other person that renders the treatment or training is not eligible for payment or reimbursement under this chapter of more than the following, as applicable:

(a) For a person to which subsection (2) applies, the applicable following percentage of the amount payable for the treatment or training under the person's charge description master in effect on January 1, 2019 or, if the person did not have a charge description master on that date, the applicable following percentage of the average amount the person charged for the treatment on January 1, 2019:

(i) For treatment or training rendered after July 1, 2021 and before July 2, 2022, 55%.

(ii) For treatment or training rendered after July 1, 2022 and before July 2, 2023, 54%.

(iii) For treatment or training rendered after July 1, 2023, 52.5%.

(b) For a person to which subsection (3) applies, the applicable following percentage of the amount payable for the treatment or training under the person's charge description master in effect on January 1, 2019 or, if the person did not have a charge description master on that date, the applicable following percentage of the average amount the person charged for the treatment or training on January 1, 2019:

(i) For treatment or training rendered after July 1, 2021 and before July 2, 2022, 70%.

(ii) For treatment or training rendered after July 1, 2022 and before July 2, 2023, 68%.

(iii) For treatment or training rendered after July 1, 2023, 66.5%.

(c) For a person to which subsection (5) applies, 78% of the amount payable for the treatment or training under the person's charge description master in effect on January 1, 2019 or, if the person did not have a charge description master on that date, 78% of the average amount the person charged for the treatment on January 1, 2019.

(d) For a person to which subsection (6) applies, the applicable following percentage of the amount payable for the treatment under the person's charge description master in effect on January 1, 2019 or, if the person did not have a charge description master on that date, the applicable following percentage of the average amount the person charged for the treatment on January 1, 2019:

(i) For treatment or training rendered after July 1, 2021 and before July 2, 2022, 75%.

(ii) For treatment or training rendered after July 1, 2022 and before July 2, 2023, 73%.

(iii) For treatment or training rendered after July 1, 2023, 71%.

(8) For any change to an amount payable under Medicare as provided in subsection (2), (3), (5), or (6) that occurs after the effective date of the amendatory act that added this subsection, the change must be applied to the amount

allowed for payment or reimbursement under that subsection. However, an amount allowed for payment or reimbursement under subsection (2), (3), (5), or (6) must not exceed the average amount charged by the physician, hospital, clinic, or other person for the treatment or training on January 1, 2019.

(9) An amount that is to be applied under subsection (7) or (8), that was in effect on January 1, 2019, including any prior adjustments to the amount made under this subsection, must be adjusted annually by the percentage change in the medical care component of the Consumer Price Index for the year preceding the adjustment.

(10) For attendant care rendered in the injured person's home, an insurer is only required to pay benefits for attendant care up to the hourly limitation in section 315 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.315. This subsection only applies if the attendant care is provided directly, or indirectly through another person, by any of the following:

(a) An individual who is related to the injured person.

(b) An individual who is domiciled in the household of the injured person.

(c) An individual with whom the injured person had a business or social relationship before the injury.

(11) An insurer may contract to pay benefits for attendant care for more than the hourly limitation under subsection (10).

(12) A neurological rehabilitation clinic is not entitled to payment or reimbursement for a treatment, training, product, service, or accommodation unless the neurological rehabilitation clinic is accredited by the Commission on Accreditation of Rehabilitation Facilities or a similar organization recognized by the director for purposes of accreditation under this subsection. This subsection does not apply to a neurological rehabilitation clinic that is in the process of becoming accredited as required under this subsection on July 1, 2021, unless 3 years have passed since the beginning of that process and the neurological rehabilitation clinic is still not accredited.

(13) Subsections (2) to (12) do not apply to emergency medical services rendered by an ambulance operation. As used in this subsection:

(a) "Ambulance operation" means that term as defined in section 20902 of the public health code, 1978 PA 368, MCL 333.20902.

(b) "Emergency medical services" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(14) Subsections (2) to (13) apply to treatment or rehabilitative occupational training rendered after July 1, 2021.

(15) As used in this section:

(a) "Charge description master" means a uniform schedule of charges represented by the person as its gross billed charge for a given service or item, regardless of payer type.

(b) "Consumer Price Index" means the most comprehensive index of consumer prices available for this state from the United States Department of Labor, Bureau of Labor Statistics.

(c) "Emergency medical condition" means that term as defined in section 1395dd of the social security act, 42 USC 1395dd.

(d) "Level I or level II trauma center" means a hospital that is verified as a level I or level II trauma center by the American College of Surgeons Committee on Trauma.

(e) "Medicaid" means a program for medical assistance established under subchapter XIX of the social security act, 42 USC 1396 to 1396w-5.

(f) "Medicare" means fee for service payments under part A, B, or D of the federal Medicare program established under subchapter XVIII of the social security act, 42 USC 1395 to 1395lll, without regard to the limitations unrelated to the rates in the fee schedule such as limitation or supplemental payments related to utilization, readmissions, recaptures, bad debt adjustments, or sequestration.

(g) "Neurological rehabilitation clinic" means a person that provides post-acute brain and spinal rehabilitation care.

(h) "Person", as provided in section 114, includes, but is not limited to, an institution.

(i) "Stabilized" means that term as defined in section 1395dd of the social security act, 42 USC 1395dd.

(j) "Transfer" means that term as defined in section 1395dd of the social security act, 42 USC 1395dd.

(k) "Treatment" includes, but is not limited to, products, services, and accommodations.

Sec. 3157a. (1) By rendering any treatment, products, services, or accommodations to 1 or more injured persons for an accidental bodily injury covered by personal protection insurance under this chapter after July 1, 2020, a physician, hospital, clinic, or other person is considered to have agreed to do both of the following:

(a) Submit necessary records and other information concerning treatment, products, services, or accommodations provided for utilization review under this section.

(b) Comply with any decision of the department under this section.

(2) A physician, hospital, clinic, or other person or institution that knowingly submits under this section false or misleading records or other information to an insurer; the association created under section 3104, or the department commits a fraudulent insurance act under section 4503.

(3) The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to do both of the following:

(a) Establish criteria or standards for utilization review that identify utilization of treatment, products, services, or accommodations under this chapter above the usual range of utilization for the treatment, products, services, or accommodations based on medically accepted standards.

(b) Provide procedures related to utilization review, including procedures for all of the following:

(i) Acquiring necessary records, medical bills, and other information concerning the treatment, products, services, or accommodations provided.

(ii) Allowing an insurer to request an explanation for and requiring a physician, hospital, clinic, or other person to explain the necessity or indication for treatment, products, services, or accommodations provided.

(iii) Appealing determinations.

(4) If a physician, hospital, clinic, or other person provides treatment, products, services, or accommodations under this chapter that are not usually associated with, are longer in duration than, are more frequent than, or extend over a greater number of days than the treatment, products, services, or accommodations usually require for the diagnosis or condition for which the patient is being treated, the insurer or the association created under section 3104 may require the physician, hospital, clinic, or other person to explain the necessity or indication for the treatment, products, services, or accommodations in writing under the procedures provided under subsection (3).

(5) If an insurer or the association created under section 3104 determines that a physician, hospital, clinic, or other person overutilized or otherwise rendered or ordered inappropriate treatment, products, services, or accommodations, or that the cost of the treatment, products, services, or accommodations was inappropriate under this chapter, the physician, hospital, clinic, or other person may appeal the determination to the department under the procedures provided under subsection (3).

(6) As used in this section, "utilization review" means the initial evaluation by an insurer or the association created under section 3104 of the appropriateness in terms of both the level and the quality of treatment, products, services, or accommodations provided under this chapter based on medically accepted standards.

Sec. 3157b. Any proprietary information or sensitive personally identifiable information regarding a patient that is submitted to the department under section 3157a is exempt from disclosure under section 13(d) of the freedom of information act, 1976 PA 442, MCL 15.243, and the department shall exempt any such information from disclosure under any other applicable exemptions under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243.

Sec. 3163. An insurer authorized to transact automobile liability insurance and personal and property protection insurance in this state is not required to provide personal protection insurance or property protection insurance benefits under this chapter for accidental bodily injury or property damage occurring in this state arising from the ownership, operation, maintenance, or use of a motor vehicle as a motor vehicle by an out-of-state resident who is insured under the insurer's automobile liability insurance policies, unless the out-of-state resident is the owner of a motor vehicle that is registered and insured in this state.

Sec. 3172. (1) A person entitled to claim because of accidental bodily injury arising out of the ownership, operation, maintenance, or use of a motor vehicle as a motor vehicle in this state may claim personal protection insurance benefits through the assigned claims plan if any of the following apply:

(a) No personal protection insurance is applicable to the injury.

(b) No personal protection insurance applicable to the injury can be identified.

(c) No personal protection insurance applicable to the injury can be ascertained because of a dispute between 2 or more automobile insurers concerning their obligation to provide coverage or the equitable distribution of the loss.

(d) The only identifiable personal protection insurance applicable to the injury is, because of financial inability of 1 or more insurers to fulfill their obligations, inadequate to provide benefits up to the maximum prescribed.

(2) Unpaid benefits due or coming due as described in subsection (1) may be collected under the assigned claims plan, and the insurer to which the claim is assigned is entitled to reimbursement from the defaulting insurers to the extent of their financial responsibility.

(3) A person entitled to claim personal protection insurance benefits through the assigned claims plan under subsection (1) shall file a completed application on a claim form provided by the Michigan automobile insurance placement facility and provide reasonable proof of loss to the Michigan automobile insurance placement facility. The Michigan automobile insurance placement facility or an insurer assigned to administer a claim on behalf of the Michigan automobile

insurance placement facility under the assigned claims plan shall specify in writing the materials that constitute a reasonable proof of loss within 60 days after receipt by the Michigan automobile insurance placement facility of an application that complies with this subsection.

(4) The Michigan automobile insurance placement facility or an insurer assigned to administer a claim on behalf of the Michigan automobile insurance placement facility under the assigned claims plan is not required to pay interest in connection with a claim for any period of time during which the claim is reasonably in dispute.

(5) Except as otherwise provided in this subsection, personal protection insurance benefits, including benefits arising from accidents occurring before March 29, 1985, payable through the assigned claims plan must be reduced to the extent that benefits covering the same loss are available from other sources, regardless of the nature or number of benefit sources available and regardless of the nature or form of the benefits, to a person claiming personal protection insurance benefits through the assigned claims plan. This subsection only applies if the personal protection insurance benefits are payable through the assigned claims plan under subsection (1)(a), (b), or (d). As used in this subsection, "sources" and "benefit sources" do not include the program for medical assistance for the medically indigent under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or health insurance for the aged and disabled under subchapter XVIII of the social security act, 42 USC 1395 to 1395fff.

(6) If the obligation to provide personal protection insurance benefits cannot be ascertained because of a dispute between 2 or more automobile insurers concerning their obligation to provide coverage or the equitable distribution of the loss, and if a method of voluntary payment of benefits cannot be agreed upon among or between the disputing insurers, all of the following apply:

(a) The insurers who are parties to the dispute shall, or the claimant may, immediately notify the Michigan automobile insurance placement facility of their inability to determine their statutory obligations.

(b) The Michigan automobile insurance placement facility shall assign the claim to an insurer and the insurer shall immediately provide personal protection insurance benefits to the claimant or claimants entitled to benefits.

(c) The insurer assigned the claim by the Michigan automobile insurance placement facility shall immediately commence an action on behalf of the Michigan automobile insurance placement facility in circuit court to declare the rights and duties of any interested party.

(d) The insurer to whom the claim is assigned shall join as parties defendant to the action commenced under subdivision (c) each insurer disputing either the obligation to provide personal protection insurance benefits or the equitable distribution of the loss among the insurers.

(e) The circuit court shall declare the rights and duties of any interested party whether or not other relief is sought or could be granted.

(f) After hearing the action, the circuit court shall determine the insurer or insurers, if any, obligated to provide the applicable personal protection insurance benefits and the equitable distribution, if any, among the insurers obligated, and shall order reimbursement to the Michigan automobile insurance placement facility from the insurer or insurers to the extent of the responsibility as determined by the court. The reimbursement ordered under this subdivision must include all benefits and costs paid or incurred by the Michigan automobile insurance placement facility and all benefits and costs paid or incurred by insurers determined not to be obligated to provide applicable personal protection insurance benefits, including incurred attorney fees and interest at the rate prescribed in section 3175 applicable on December 31 of the year preceding the determination of the circuit court.

(7) The Michigan automobile insurance placement facility and the insurer to whom a claim is assigned by the Michigan automobile insurance placement facility are only required to provide personal protection insurance benefits under section 3107(1)(a) up to whichever of the following is applicable:

(a) Unless subdivision (b) applies, the limit provided in section 3107c(1)(b).

(b) If the person is entitled to claim benefits under the assigned claims plan under section 3107d(6)(c) or 3109a(2)(d)(ii), \$2,000,000.00.

Sec. 3173a. (1) The Michigan automobile insurance placement facility shall review a claim for personal protection insurance benefits under the assigned claims plan, shall make an initial determination of the eligibility for benefits under this chapter and the assigned claims plan, and shall deny a claim that the Michigan automobile insurance placement facility determines is ineligible under this chapter or the assigned claims plan. If a claimant or person making a claim through or on behalf of a claimant fails to cooperate with the Michigan automobile insurance placement facility as required by subsection (2), the Michigan automobile insurance placement facility shall suspend benefits to the claimant under the assigned claims plan. A suspension under this subsection is not an irrevocable denial of benefits, and must continue only until the Michigan automobile insurance placement facility determines that the claimant or person making a claim through or on behalf of a claimant cooperates or resumes cooperation with the Michigan automobile insurance placement facility. The Michigan automobile insurance placement facility shall promptly notify in writing the claimant and any person that submitted a claim through or on behalf of a claimant of a denial and the reasons for the denial.

(2) A claimant or a person making a claim through or on behalf of a claimant shall cooperate with the Michigan automobile insurance placement facility in its determination of eligibility and the settlement or defense of any claim or

suit, including, but not limited to, submitting to an examination under oath and compliance with sections 3151 to 3153. There is a rebuttable presumption that a person has satisfied the duty to cooperate under this section if all of the following apply:

(a) The person submitted a claim for personal protection insurance benefits under the assigned claims plan by submitting to the Michigan automobile insurance placement facility a complete application on a form provided by the Michigan automobile insurance placement facility in accordance with the assigned claims plan.

(b) The person provided reasonable proof of loss under the assigned claims plan as described in section 3172.

(c) If required under this subsection to submit to an examination under oath, the person submitted to the examination, subject to all of the following:

(i) The person was provided at least 21 days' notice of the examination.

(ii) The examination was conducted in a location reasonably convenient for the person.

(iii) Any reasonable request by the person to reschedule the date, time, or location of the examination was accommodated.

(3) The Michigan automobile insurance placement facility may perform its functions and responsibilities under this section and the assigned claims plan directly or through an insurer assigned by the Michigan automobile insurance placement facility to administer the claim on behalf of the Michigan automobile insurance placement facility. The assignment of a claim by the Michigan automobile insurance placement facility to an insurer is not a determination of eligibility under this chapter or the assigned claims plan, and a claim assigned to an insurer by the Michigan automobile insurance placement facility may later be denied if the claim is not eligible under this chapter or the assigned claims plan.

(4) A person who presents or causes to be presented an oral or written statement, including computer-generated information, as part of or in support of a claim to the Michigan automobile insurance placement facility, or to an insurer to which the claim is assigned under the assigned claims plan, for payment or another benefit knowing that the statement contains false information concerning a fact or thing material to the claim commits a fraudulent insurance act under section 4503 that is subject to the penalties imposed under section 4511. A claim that contains or is supported by a fraudulent insurance act as described in this subsection is ineligible for payment of personal protection insurance benefits under the assigned claims plan.

(5) The Michigan automobile insurance placement facility may contract with other persons for all or a portion of the goods and services necessary for operating and maintaining the assigned claims plan.

Sec. 3174. A person claiming through the assigned claims plan shall notify the Michigan automobile insurance placement facility of his or her claim within 1 year after the date of the accident. On an initial determination of a claimant's eligibility for benefits through the assigned claims plan, the Michigan automobile insurance placement facility shall promptly assign the claim in accordance with the plan and notify the claimant of the identity and address of the insurer to which the claim is assigned. An action by a claimant must be commenced as provided in section 3145.

Sec. 3175. (1) The assignment of claims under the assigned claims plan must be made according to procedures established in the assigned claims plan that assure fair allocation of the burden of assigned claims among insurers doing business in this state on a basis reasonably related to the volume of automobile liability and personal protection insurance they write on motor vehicles or the number of self-insured motor vehicles. An insurer to whom claims have been assigned shall make prompt payment of loss in accordance with this act. An insurer is entitled to reimbursement by the Michigan automobile insurance placement facility for the payments, the established loss adjustment cost, and an amount determined by use of the average annual 90-day United States treasury bill yield rate, as reported by the Council of Economic Advisers as of December 31 of the year for which reimbursement is sought, as follows:

(a) For the calendar year in which claims are paid by the insurer, the amount must be determined by applying the specified annual yield rate specified in this subsection to 1/2 of the total claims payments and loss adjustment costs.

(b) For the period from the end of the calendar year in which claims are paid by the insurer to the date payments for the operation of the assigned claims plan are due, the amount must be determined by applying the annual yield rate specified in this subsection to the total claims payments and loss adjustment costs multiplied by a fraction, the denominator of which is 365 and the numerator of which is equal to the number of days that have elapsed between the end of the calendar year and the date payments for the operation of the assigned claims plan are due.

(2) An insurer assigned a claim by the Michigan automobile insurance placement facility under the assigned claims plan or a person authorized to act on behalf of the plan may bring an action for reimbursement and indemnification of the claim on behalf of the Michigan automobile insurance placement facility. The insurer to which the claim has been assigned shall preserve and enforce rights to indemnity or reimbursement against third parties and account to the Michigan automobile insurance placement facility for the rights and shall assign the rights to the Michigan automobile insurance placement facility on reimbursement by the Michigan automobile insurance placement facility. This section does not preclude an insurer from entering into reasonable compromises and settlements with third parties against

whom rights to indemnity or reimbursement exist. The insurer shall account to the Michigan automobile insurance placement facility for any compromises and settlements. The procedures established under the assigned claims plan of operation must establish reasonable standards for enforcing rights to indemnity or reimbursement against third parties, including a standard establishing an amount below which actions to preserve and enforce the rights need not be pursued.

(3) An action to enforce rights to indemnity or reimbursement against a third party must not be commenced after the later of the following:

- (a) Two years after the assignment of the claim to the insurer.
- (b) One year after the date of the last payment to the claimant.
- (c) One year after the date the responsible third party is identified.

(4) Payments for the operation of the assigned claims plan not paid by the due date bear interest at the rate of 20% per annum.

(5) The Michigan automobile insurance placement facility may enter into a written agreement with the debtor permitting the payment of the judgment or acknowledgment of debt in installments payable to the Michigan automobile insurance placement facility. A default in payment of installments under a judgment as agreed subjects the debtor to suspension or revocation of his or her motor vehicle license or registration in the same manner as for the failure by an uninsured motorist to pay a judgment by installments under section 3177, including responsibility for expenses as provided in section 3177(4).

Sec. 3177. (1) The insurer obligated to pay personal protection insurance benefits for accidental bodily injury to a person arising out of the ownership, maintenance, or use of an uninsured motor vehicle as a motor vehicle may recover all benefits paid, incurred loss adjustment costs and expenses, and incurred attorney fees from the owner or registrant of the uninsured motor vehicle or from his or her estate. Failure of the owner or registrant to make payment within 30 days after a judgment is entered in an action for recovery under this subsection is a ground for suspension or revocation of his or her motor vehicle registration and license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25. For purposes of this section, an uninsured motor vehicle is a motor vehicle with respect to which security as required by sections 3101(1) and 3102 is not in effect at the time of the accident.

(2) The Michigan automobile insurance placement facility may make a written agreement with the owner or registrant of an uninsured vehicle or his or her estate permitting the payment of a judgment described in subsection (1) in installments payable to the Michigan automobile insurance placement facility. The motor vehicle registration and license of an owner or registrant who makes a written agreement under this subsection must not be suspended or revoked and, if already suspended or revoked under subsection (1), must be restored if the payment of any installments is not in default.

(3) The secretary of state, on receipt of a certified abstract of court record of a judgment described in subsection (1) or notice from an insurer or the Michigan automobile insurance placement facility or its designee of an acknowledgment of a debt described in subsection (1), shall notify the owner or registrant of the provisions of subsection (1) at the owner or registrant's last address recorded with the secretary of state and inform the owner or registrant of the right to enter into a written agreement under this section with the Michigan automobile insurance placement facility or its designee for the payment of the judgment or debt in installments.

(4) Expenses for the suspension, revocation, or reinstatement of a motor vehicle registration or license under this section are the responsibility of the owner or registrant or of his or her estate. An owner or registrant whose registration or license is suspended under this section shall pay any reinstatement fee as required under section 320e of the Michigan vehicle code, 1949 PA 300, MCL 257.320e.

## CHAPTER 31A MANAGED CARE

Sec. 3181. As used in this chapter, "managed care option" means an optional coverage selected by an insured at the time a policy is issued that includes, but is not limited to, the monitoring and adjudication of an injured person's care, the use of a preferred provider program or other network, or other similar option.

Sec. 3182. This chapter applies to all automobile insurance whether written on an individual or group basis.

Sec. 3183. An automobile insurer may offer a managed care option that provides for allowable expenses consisting of all reasonable charges incurred for reasonably necessary products, services, and accommodations for an injured person's care, recovery, or rehabilitation. This managed care option is subject to all of the following:

- (a) It must be uniformly offered in all areas where the managed care option is available.
- (b) It must provide a discount that reflects reasonably anticipated reductions in losses or expenses or both.

(c) It must not apply to emergency care. Emergency care includes, but is not limited to, all care necessary to the point where no material deterioration of a condition is likely, within reasonable medical probability, to result from or occur during transfer of the patient.

Sec. 3184. An automobile insurer that offers a managed care option under this chapter shall also offer personal protection insurance benefits under section 3107(1)(a) that are not subject to the managed care option.

Sec. 3185. The managed care option must apply to the insured who selects the managed care option and any person who resides in an area where the managed care option is available and who is claiming personal protection insurance benefits under the policy with the managed care option.

Sec. 3186. A managed care option may provide for deductibles, co-pays, or both deductibles and co-pays.

Sec. 3187. A managed care option must provide for all of the following:

(a) That personal protection insurance benefits are primary and will not be coordinated with other health and accident coverage on the individual claiming personal protection insurance benefits under the policy with the managed care option.

(b) That personal protection insurance benefits must be exhausted by the individual claiming those benefits under the policy with the managed care option before the individual may seek benefits from another health or accident coverage provider.

(c) That deductibles, co-pays, or other similar sanctions will not be assessed or collected from other health and accident coverage providers for the individual claiming personal protection insurance benefits under the policy with the managed care option.

Sec. 3188. At the time of the initial selection of the managed care option by the insured, an automobile insurer shall obtain a signed acknowledgment that the insured received a written disclosure statement approved by the director or a written disclosure statement that includes all of the following:

(a) A summary of the provisions of the managed care option.

(b) The estimated range of the percentage of the discount provided by the managed care option.

(c) A general description of the differences between a managed care option under this chapter and personal protection insurance benefits under section 3107(1)(a) that are not subject to the managed care option, including any procedural differences in seeking treatment and filing a claim.

(d) The consequences for violating any provisions of the managed care option, including the possibility of a claim denial, the payment of a deductible and the amount of that deductible, and any additional out-of-pocket expenses that may be incurred.

(e) An explanation of whether the insurer offers an opt-out provision that would enable the insured to change his or her policy from a managed care option to personal protection insurance benefits under section 3107(1)(a) that are not subject to the managed care option and any restrictions placed upon the insured in regard to opting out of the managed care option.

Sec. 3189. The disclosure statement under section 3188 must include a postal mailing address and either a toll-free telephone number or an internet website address that insureds or applicants for insurance may write, call, or otherwise access for information on the managed care option.

## CHAPTER 63

### ANTI-FRAUD UNIT

Sec. 6301. (1) An anti-fraud unit is established as a criminal justice agency in the department, dedicated to prevention and investigation of criminal and fraudulent activities in the insurance market.

(2) The anti-fraud unit is a criminal justice agency with full access to criminal justice information and criminal justice information systems. The anti-fraud unit may investigate all persons, including, but not limited to, persons subject to the department's regulatory authority, consumers, insureds, and any other persons allegedly engaged in criminal and fraudulent activities in the insurance market. The anti-fraud unit may investigate criminal and fraudulent activity related to any matter under the jurisdiction and authority of the department under Executive Reorganization Order No. 2013-1, MCL 550.991.

(3) The anti-fraud unit may do any of the following:

(a) Conduct criminal background checks on applicants for licenses and current licensees in accordance with state and federal law.

(b) Collect and maintain claims of criminal and fraudulent activities in the insurance industry.

(c) Investigate claims of criminal and fraudulent activity in the insurance market that, if true, would constitute a violation of applicable state or federal law, including, but not limited to, the Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568, and this act.

(d) Maintain records of criminal investigations.

(e) Share records of its investigations with other criminal justice agencies.

(f) Review information from other criminal justice agencies to assist in the enforcement and investigation of all matters under the authority of the director.

(g) Conduct outreach and coordination efforts with local, state, and federal law enforcement and regulatory agencies to promote investigation and prosecution of criminal and fraudulent activities in the insurance market.

Sec. 6302. (1) A document, material, or information related to an investigation of the anti-fraud unit is confidential by law and privileged, is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, is not subject to subpoena, and is not subject to discovery or admissible in evidence in any private civil action. However, the director may use the documents, materials, or information in the furtherance of any supervisory activity or legal action brought as part of the director's duties.

(2) The director, or any person that received documents, materials, or information while acting on behalf of the anti-fraud unit, is not permitted and may not be required to testify in any private civil action concerning any confidential documents, materials, or information described in subsection (1).

(3) To assist in the performance of the anti-fraud unit's duties, the director may do any of the following:

(a) Share documents, materials, or information, including the confidential and privileged documents, materials, or information that is subject to subsection (1), with any of the following:

(i) Other state, federal, and international regulatory agencies.

(ii) Other state, federal, and international law enforcement authorities, if the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or information.

(iii) Any other person as the director considers necessary to discharge the anti-fraud unit's duties under section 6301 or other applicable law.

(b) Receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from any of the following:

(i) Other state, federal, and international regulatory agencies.

(ii) Other state, federal, and international law enforcement authorities, if the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or information.

(iii) Any other person as the director considers necessary to discharge his or her duties under this act or any other applicable act.

(c) Enter into agreements governing the sharing and use of information that are consistent with this section.

(4) The director shall maintain as confidential and privileged any documents, materials, or information received under subsection (3)(b) with notice or the understanding that the documents, materials, or information is confidential and privileged under the laws of the jurisdiction that is the source of the documents, materials, or information.

(5) The disclosure of any documents, materials, or information to the director, or the sharing of documents, materials, or information under subsection (3), is not a waiver of, and must not be construed as a waiver of, any privilege applicable to or claim of confidentiality in those documents, materials, or information.

Sec. 6303. (1) Beginning July 1 of the year after the effective date of the amendatory act that added this section, the anti-fraud unit shall prepare and publish an annual report to the legislature on the anti-fraud unit's efforts to prevent automobile insurance fraud.

(2) The anti-fraud unit shall submit the annual report to the legislature required by this section to the standing committees of the senate and house of representatives with primary jurisdiction over insurance issues and the director.

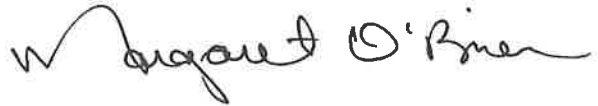
Sec. 6304. This chapter does not limit the power of the anti-fraud unit to conduct activities under Executive Order No. 2018-9 with respect to the financial services industry or markets.

Enacting section 1. Section 3112 of the insurance code of 1956, 1956 PA 218, MCL 500.3112, as amended by this amendatory act, applies to products, services, or accommodations provided after the effective date of this amendatory act.

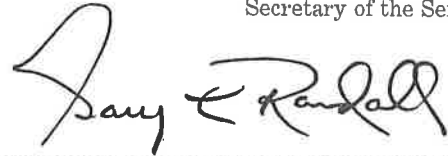


Enacting section 2. Section 3135 of the insurance code of 1956, 1956 PA 218, MCL 500.3135, as amended by this amendatory act, is intended to codify and give full effect to the opinion of the Michigan supreme court in *McCormick v Carrier*, 487 Mich 180 (2010).

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor





Detroit Water Board Building  
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Honorable Members of the Detroit City Council:

I am very excited to share the very first sustainability strategy for the City of Detroit, The Sustainability Action Agenda, with you. This agenda will help advance our city towards more equitable access to opportunity and a healthier, more resilient environment for all Detroiters.

The Agenda was formed by the voices and efforts of many. Thank you to the thousands of residents who contributed energy, thoughts, and input to the engagement process and to those non-profit and community leaders who contributed wisdom from their years of experience "walking the talk." Thanks also to my fellow City of Detroit employees who contributed their time and expertise to help hone a set of actionable recommendations. Last, I am grateful to our foundation partners, who contributed resources that made this all possible.

At the beginning, we acknowledged that *how* we created the Agenda was as important as *what* was in the final product. We chose to center equity and the voice and experiences of residents throughout this process. Our 14 Sustainability Ambassadors allowed us to reach a number of Detroiters in all corners of the city that would have otherwise been difficult to reach. Still, when we saw that the reach of our first survey wasn't representative of our city's diversity, we pivoted to meet those intentions. We added another, targeted round of engagement, including focus groups, workshops, and online survey questions, to make sure we heard from the many diverse resident perspectives.

Looking ahead, the goals and actions shared here can only be accomplished through a concerted, collaborative, and consistent effort by all parties that played a role in crafting them.

- We in City Government must lead by example and move forward to create the legal and policy framework that makes the sustainable choice the preferred choice.
- Business must lead the way at reducing greenhouse gas pollution, creating welcoming environments for residents and employees alike, and creating economic opportunities for Detroiters in the green economy.
- Community groups form the backbone of neighborhoods, working neighbor to neighbor to ensure that each neighborhood is clean and connected to the broader city.
- Residents practicing sustainability is essential, but also and more importantly, they must hold business and government accountable for making the necessary contributions to becoming a more sustainable city.

There is already powerful work happening across the city. Let's continue to grow this movement towards a healthier, greener, more equitable Detroit for all. I, for one, can't wait to get started.

In partnership,

Joel Howrani Heeres

Director,  
Office of Sustainability  
Office of Mayor Mike Duggan  
City of Detroit

# Detroit Sustainability Action Agenda

*Confidential Draft*

V14

# Letter from the Mayor

One city for all of us. That is the principle that drives all of our work in Detroit. We have come a long way as a city in just a few years. Now is the time to begin laying out our long-term vision for the city we all want to create together.

This Sustainability Action Agenda builds upon the work we have done as a City Government since 2014 but just as importantly upon the community-led efforts to grow more food in our city, clean and care for vacant lots, and install rain barrels, to give just a few examples. We celebrate the efforts of all the non-profits, faith-based institutions, foundations, City Council, businesses, and many others that have worked tirelessly to improve our city.

Throughout the development of this Agenda we interacted with over 6,800 Detroiters to understand your vision for a more equitable, prosperous, and environmentally sustainable city. We hired two Sustainability Ambassadors in each Council district to talk face-to-face with their neighbors and attend community events. We created a Sustainability Advisory Commission with representatives from 20 community, business, and non-profit organizations to advise on the development and implementation of the Agenda. Your voices drove this process and will guide us as we implement this Agenda.

Our Sustainability Action Agenda is organized to achieve four outcomes, with people at the heart:

- Healthy, Thriving People
- Affordable, Quality Homes
- Clean, Connected Neighborhoods
- Equitable, Green City

There are 42 total actions and 10 measurable goals. We will track our progress towards these goals through a series of indicators and publish on our progress publicly.

Finally, we want to thank the Kresge, Wilson, and Erb Foundations and the Community Foundation for Southeast Michigan for your support of this effort.

We look forward to working together with all of you to make this Agenda a reality in the coming months and years. We can build one city for all of us – together.

Mike Duggan

Mayor, City of Detroit

# Letter from the Director

I am very excited to share the very first sustainability strategy for the City of Detroit, The Sustainability Action Agenda, with you. This agenda will help advance our city towards more equitable access to opportunity and a healthier, more resilient environment for all Detroiters.

The Agenda was formed by the voices and efforts of many. Thank you to the thousands of residents who contributed energy, thoughts, and input to the engagement process and to those non-profit and community leaders who contributed wisdom from their years of experience “walking the talk.” Thanks also to my fellow City of Detroit employees who contributed their time and expertise to help hone a set of actionable recommendations. Last, I am grateful to our foundation partners, who contributed resources that made this all possible.

At the beginning, we acknowledged that *how* we created the Agenda was as important as *what* was in the final product. We chose to center equity and the voice and experiences of residents throughout this process. Our 14 Sustainability Ambassadors allowed us to reach a number of Detroiters in all corners of the city that would have otherwise been difficult to reach. Still, when we saw that the reach of our first survey wasn't representative of our city's diversity, we pivoted to meet those intentions. We added another, targeted round of engagement, including focus groups, workshops, and online survey questions, to make sure we heard from the many diverse resident perspectives.

Looking ahead, the goals and actions shared here can only be accomplished through a concerted, collaborative, and consistent effort by all parties that played a role in crafting them.

- We in City Government must lead by example and move forward to create the legal and policy framework that makes the sustainable choice the preferred choice.
- Business must lead the way at reducing greenhouse gas pollution, creating welcoming environments for residents and employees alike, and creating economic opportunities for Detroiters in the green economy.
- Community groups form the backbone of neighborhoods, working neighbor to neighbor to ensure that each neighborhood is clean and connected to the broader city.
- Residents practicing sustainability is essential, but also and more importantly, they must hold business and government accountable for making the necessary contributions to becoming a more sustainable city.

There is already powerful work happening across the city. Let's continue to grow this movement towards a healthier, greener, more equitable Detroit for all. I, for one, can't wait to get started.

Joel Howrani Heeres

Director,  
Office of Sustainability  
Office of Mayor Mike Duggan  
City of Detroit

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# Guiding Principles

The development of the Sustainability Action Agenda has been guided by seven key principles that will also shape its implementation:

- **Honoring People and Place:** Our work will honor the political, cultural, environmental, and economic contributions of all Detroiters and give their voice priority in our decision-making processes.
- **Prioritizing People:** Our work will be oriented to address people's most pressing needs and support them to be resilient.
- **Stewarding the Earth:** Our work will acknowledge the interconnected nature of human actions and earth stewardship.
- **Establishing Equity:** Our work will strive to ensure everyone is included in realizing the benefits of sustainability in our city by focusing on:
  - **Procedural Equity:** Inclusive, accessible authentic engagement and representation in processes to develop or implement programs and policies.
  - **Distributional Equity:** Programs and policies result in fair distribution of benefits and burdens across all segments of our community, prioritizing those with the highest need.
  - **Structural Equity:** Decision-makers institutionalize accountability; decisions are made with a recognition of the historical, cultural and institutional dynamics and structures that have routinely advantaged privileged groups in society and resulted in chronic, cumulative disadvantage for others.
  - **Transgenerational Equity:** Decisions consider generational impacts and do not result in unfair burdens on future generations.<sup>1</sup>
  - **Racial Equity:** Decisions are informed by the historic legacies and perpetuation of racism and disinvestment. Our work will focus on building new legacies of inclusion and racial equity.
- **Acting with Transparency and Accountability:** We are committed to sharing progress toward our goals through open, regular, and accessible reporting and community engagement.
- **Driving to Outcomes and Making Data-Driven Decisions:** Our work will be informed by the ethical use of data, outcome-oriented and measurable, to ensure we are improving the quality of life for all Detroiters.
- **Collaborating with Partners and Stakeholders:** Our work will be developed and implemented in partnerships with a broad array of partners within, across, and outside of government.

## Community Voice

### We Asked:

"How can Equity be demonstrated in the final document/plan? What does an equitable Sustainability Action Agenda include?"

### You Told Us:

"Provide transparency of information."

- Anonymous Resident, Sustainability Town Hall August 21, 2018

"Aggressive honesty and transparency."

- Anonymous Resident, Sustainability Town Hall August 25, 2018

### We Listened:

One of our guiding principles for the Agenda and our work moving forward is "*Acting with Transparency and Accountability*"

# Sustainability Challenges

Detroit is a vibrant, dynamic place to call home, but like many cities, there is room to improve. Our effort to create a more sustainable Detroit must start by addressing the long-standing challenges that hinder the health and prosperity of Detroiters, our communities, and our city overall. Poor public health, high unemployment, income insecurity, poor and unaffordable housing options, blighted properties, aging infrastructure, environmental pollution, and a changing climate each pose significant risks to our residents today and to our future growth.

## Public Health

Too many Detroit residents struggle with chronic health issues caused by their environments and economic insecurity. Life expectancy in Detroit is nearly 6 years less than for the State of Michigan and infant mortality rates are over 80 percent higher.<sup>ii</sup>

Poor air quality, both indoors and out, exacerbates the high prevalence of asthma among Detroiters. Between 2012 and 2014, for every 10,000 people in the City of Detroit there were approximately 41 hospitalizations for asthma per year. This rate was as much as 3.5 times higher than the rate for the State of Michigan over the same period.<sup>iii</sup> Due to unabated lead paint in Detroit's housing stock, nearly 9 percent of Detroit children tested for elevated levels of lead tested positive — the most of any city in the state.

Health burdens are not shared equally throughout the city: Asthma hospitalizations are more prevalent for African American residents, and some neighborhoods on average have nearly 60 fewer good air quality days a year than the city overall. Poor air quality makes Detroiters less healthy and also keeps them from spending more time in the classroom and at work.

## Unemployment & Income Insecurity

Detroit has recently seen visible economic growth and increasing investments. An improving economy caused unemployment to decrease to almost 9 percent as of January 2019, down from a high of 27 percent in January 2010.<sup>iv</sup> However, many Detroiters continue to struggle to support themselves and their families. In 2017, over a third of Detroiters were living in poverty and fewer than half of Detroit households were earning a living wage.<sup>v</sup>

## Poor & Unaffordable Housing

Those who remained in Detroit through our significant population decline struggle to find affordable, quality housing.

Approximately 60 percent of renters in Detroit spend more than 30 percent of their income on housing expenses — the level considered a "rent burden" by the Federal government. In a ranking of all U.S. cities with more than 100,000 residents, Detroit ranked fourth in terms of median gross rent as percent of household income. This is caused, in part, by the fact that wages have not kept pace with increased rents.

Poor quality building stock also contributes to a lack of affordable, quality housing options. 80 percent of Detroit's housing was built before 1960, and deferred maintenance has led homes to become energy inefficient, raising living costs for already rent burdened residents. As a result, half of Detroiters spend more than 10 percent of their income on utilities, which the Environmental Protection Agency considers to be the ceiling for affordability. Additionally, damage from frequent flooding takes a toll on many homes: 1 in 3 surveyed Detroiters are

impacted by urban flooding very or somewhat often in their neighborhoods. Another third are impacted occasionally.

### **Blight**

Neighborhoods throughout the city are being cleaned up and beautified, but too many people still see visible signs of physical decay in their communities. We have made substantial progress on rebuilding and revitalizing our neighborhoods, transferring ownership of more than 12,170 vacant side lots to adjacent homeowners and partners, and demolishing over 17,420 vacant buildings since 2014. But, there are still more than 42,000 vacant residential structures and more than 106,050 publicly owned, vacant lots spread throughout the city, too often left to neglect.<sup>vi</sup>

### **Aging Infrastructure & Pollution**

Much of our infrastructure was built for the last century and needs to be modernized for today's needs. Historic investments have been made in modernizing 65,000 streetlights with LED fixtures and in our water and sewer network, but more investment is needed.

Approximately 60 percent of the 1,611 lane miles of City roads in Detroit were rated to be in poor pavement condition.<sup>vii</sup> This lack of investment has contributed to over 12,900 auto, pedestrian, and bicyclist crashes on Detroit roads (highways excluded) in 2016, resulting in over 420 severe or fatal injuries.<sup>viii</sup>

Our transit system is improving after a long period of disinvestment, but it still lags behind our peer cities in terms of route connectivity, access, and frequency. Approximately 8 percent of Detroiters use transit, with almost 2,000 trips per week compared to Cleveland where over 10 percent of residents use transit, taking over 8,000 trips per week.<sup>ix</sup>

Like other cities, much of our water and sewage infrastructure is well past its expected service life. Combined Sewer Overflows (CSO) are a result overwhelming the city's system during rain events. In 2017, Detroit recorded 77 CSO events into the Detroit and Rouge Rivers. While over 96 percent of the sewage released into the Detroit waterways met regulatory requirements, 722 million gallons of untreated sewage were released during these events.<sup>x</sup> These discharges create water quality and potential quality of life impacts for residents.

### **Changing Climate**

The Great Lakes provide a large supply of freshwater, and more intense hurricanes and receding coastlines will not affect us as they will coastal states, but the changing climate will test and overwhelm our infrastructure and threaten our health in other ways. Flooding will continue to affect Detroit homes and streets due to projected increases in intense precipitation, seen as recently as Spring 2019 in the Jefferson Chalmers neighborhood. Detroit will also see a significant increase in very hot days, with as many as 65 days above 90°F by the end of this century, exacerbating the burden of heat and poor air quality on our most vulnerable residents.<sup>xi</sup>

We have the knowledge, tools, and motivation to tackle these complex issues. This Agenda is the strategic roadmap to address these issues and create a city in which all Detroiters can thrive.

## **Recent Sustainability Advances**

Achieving our goals will not be easy. But we are already making significant progress.

Over the past decade, several of our city's community and non-profit organizations have championed sustainability initiatives that serve as the foundation of this Agenda and have helped improve the lives of thousands of Detroiters. Their work resulted in Detroit's first Food Security Policy, the Detroit Environmental Agenda, and the Detroit Climate Action Plan. We honor these efforts and are committed to building upon them and working with the residents, businesses, and organizations that supported them to meet their ambitions.

#### **Detroit City Council Green Task Force**

Detroit City Council Green Task Force was founded in 2007 by Councilman Ken Cockrel Jr. to examine how to improve the environmental sustainability of the city. This voluntary council advances Detroit sustainability goals through research and policy advisory. Currently chaired by Councilmember Scott Benson, the subcommittees of the Task Force focus on recycling and waste reduction, water, renewable energy, climate resilience, and composting. Some successful efforts that grew from the Task Force included a recycling pilot with 30,000 homes, increased bicycle and pedestrian infrastructure, ordinances that support environmentally-preferred procurement, and the development of the Office of Sustainability.

Under Mayor Duggan, the City has improved services and made historic investments in our infrastructure. We launched the MoGo bike share program, expanded our bus fleet with hybrid buses, converted all of our streetlights to LEDs, embarked on the fastest expansion of a bike network of any city in the U.S., installed the City's first utility scale solar installation at O'Shea Park, committed \$3 million a year to green stormwater infrastructure, renovated 40 neighborhood parks over two years, and created a \$250 million Affordable Housing Leverage Fund that will preserve 10,000 units and develop 2,000 new units. In 2018, we released a *Strategic Plan for Transportation* that over three years will rehab or resurface 300 miles of streets, increase bus service on ten high-capacity routes, and expand protected bike lanes. All of this is happening as we continue to invest in our neighborhoods and residents to create economic opportunities for all Detroiters.

Recognizing the importance of a coordinated approach to address the ongoing challenges facing Detroit residents, Mayor Duggan created the City's first Office of Sustainability in 2017 to coordinate and lead the City's sustainability initiatives. With this Agenda, Detroit joins other major cities around the world in demonstrating their commitment to advancing economic, environmental, and social sustainability through strategic investments and initiatives.

**[INSERT 2-PAGE TIMELINE INFOGRAPHIC HERE]**

## **Developing the Agenda**

Community input was central to the creation of the Agenda. Throughout the development of the Agenda, we focused on engaging a diverse array of Detroiters in every neighborhood across the city – with a particular emphasis on communities that have been historically underrepresented in planning processes. Over the past 12 months, we heard from thousands of Detroiters and gathered their feedback on the challenges faced by residents and businesses, opportunities to improve the quality of life for Detroiters, and suggestions on how to build a more sustainable city.

### Engagement at a Glance

- 1,600 surveys collected in Spanish and English
- 1,200 online comments collected on coUrbanize
- 2,000 Detroiters reached by attending 100+ existing community meetings
- 860+ Detroiters met with 14 Sustainability Ambassadors
- 370 Detroiters engaged through 4 Town Halls
- 50+ Detroit-based organizations engaged through 8 Practitioner Workshops
- 7 Focus Groups targeting under-represented communities

[INSERT TWO PAGE SPREAD OF SURVEY INFOGRAPHIC]

### Community Voice

#### You Told Us:

"Equity means language access."

- Anonymous Resident, Sustainability Town Hall August 25, 2018

"People [youth] not feeling heard"

- Anonymous Resident, Sustainability Town Hall August 28, 2018

#### We Listened:

We added a new phase of engagement to better reach these groups and create an equitable engagement process.

Sustainability Ambassadors  
[Under development]

Recognizing that sustainability in Detroit is not a new concept, we inventoried 39 existing, Detroit-focused strategic plans and documents and over 680 actions related to sustainability to build upon existing work and discover gaps that we could fill.

These efforts were guided by a Sustainability Advisory Commission, co-chaired by Sandra Turner-Handy and Khalil Ligon representing the Detroit Environmental Agenda and Darlene Strickland from Bedrock Detroit, with representation from 20 local organizations, businesses and community groups. In addition, a Sustainability Interdepartmental Working Group, which consists of 22 City departments, met monthly to help shape and develop the Agenda. These two advisory bodies will continue to meet to support implementation of the Agenda.

Sustainability Advisory Commission Members

Interdepartmental Working Group Members

Jeff Baxa, Barton Malow	Bridging Neighborhoods
David Tulauskas, General Motors	Building Authority
Scott Benson, Detroit City Council	Buildings, Safety Engineering and Environmental
Alessandra Carreon, PizzaPlex	Planning Commission
Sandra Turner-Handy and Khalil Ligon, Detroit Environmental Agenda	Fire
Hector Hernandez, Southwest Solutions	General Services
Brian Hogle, Kresge Foundation	Health
Nick Leonard, Great Lakes Environmental Law Center	Homeland Security & Emergency Management
Sonya Mays, Develop Detroit	Housing and Revitalization
Dayna McGuire, EcoWorks Detroit Youth Energy Squad	Human Resources
Alycia Meriweather, Detroit Public Schools Community District	Innovation and Technology
Nancy Moody, DTE Energy	Land Bank
Rick Pruiss, I.B.E.W. Local 58 Detroit, 1	Law
Jodee Raines, Erb Foundation	Mobility
Louis Pliskar, Wayne Metro Community Action Agency	Neighborhoods
Maria Salinas, Congress of Communities	Operations (Public Works)
Ned Staebler, Wayne State University	Planning and Development
Darlene Strickland, Bedrock Detroit	Police
Kimberly Dawn Wisdom, Henry Ford Hospital	Chief Financial Officer
Chip Amoe, Henry Ford Hospital	Public Works
	Recreation
	Transportation
	Water and Sewerage

[INSERT DEVELOPMENT PROCESS INFOGRAPHIC HERE]



# Detroit's Sustainability Framework

The Agenda is a strategic roadmap to create a more sustainable city, a Detroit where:

*All Detroiters thrive and prosper in an equitable, green city; have access to affordable, quality homes; live in clean, connected neighborhoods; and work together to steward resources.*

To achieve this vision, the Agenda works to achieve four outcomes, with **Healthy, Thriving People** placed firmly at the heart of our work and building out to include **Affordable, Quality Homes; Clean, Connected Neighborhoods; and an Equitable, Green City.**

Across these outcomes we are committed to achieving 10 goals and implementing 42 actions to address many of the most pressing challenges facing Detroiters today.

This Agenda is intended to compliment, not supplant, other City efforts, such as those focused primarily on public safety, education, or economic development. All of these must be addressed to increase our sustainability and ensure an equitable city. The achievement of our vision will require the leadership and coordination of all City of Detroit departments.

Together, we can achieve the following outcomes and goals:  
**Healthy, Thriving People**

1. Increase access to healthy food, green spaces, and recreational opportunities
2. Improve air quality and reduce exposure to pollution
3. Advance equity in access to economic opportunity

## **Affordable, Quality Homes**

4. Reduce the total cost of housing, including utilities
5. Improve the health and safety of existing and new housing

## **Clean, Connected Neighborhoods**

6. Transform vacant lots into safe, productive, sustainable spaces
7. Reduce waste sent to landfills
8. Make it easier and safer to get around Detroit without a personal vehicle

## **Equitable, Green City**





9. Enhance infrastructure and operations to improve resilience to climate impacts
10. Reduce municipal and citywide greenhouse gas emissions

## How to Read the Agenda

Our vision for a sustainable Detroit serves as the foundation for the 4 outcomes, 10 goals, and 42 actions for residents, businesses, the City, and community partners to implement. The actions build on existing efforts to enhance sustainability in Detroit.

[Insert Hierarchy infographic here]

Subsequent chapters in this Agenda are organized by the 4 outcomes. There are multiple goals, actions, indicators, and targets that support each outcome. Each of the 42 actions are described using the following details:

**ACTION TITLE:** Short name identifying the initiative

**DESCRIPTION:** Summary that includes what sustainability challenges the action addresses, how the action will be implemented, and why it will be effective

**TIMEFRAME:** Amount of time it will take to implement the action: Near (0-2 years), Mid-term (3-5 years), Long-term (6-8 years)

**LEAD:** The City Agency/Department(s) spearheading the action

**CO-BENEFITS:** Additional direct and indirect environmental, economic, and equity related benefits the action supports

### CO-BENEFIT ICON LIST TO BE MADE FROM BELOW LIST

Improved Public Safety
Improved Public Health
Increased Utility Efficiency & Affordability
Increased Access to Economic Mobility
Increased Government Efficiency & Transparency
Improved Food System & Access
Improved Water/Wastewater Quality & Management
Improved Air Quality
Reduced Greenhouse Gases

In addition, as part of our ongoing commitment to transparency and accountability, the Agenda outlines how we will track our progress moving forward:

**INDICATORS:** Each goal is linked to quantifiable indicators with 5-year (2024) and 10-year (2029) targets to measure progress toward our longer-term goals. A full Indicator Table can be found in the appendix.

**IMPLEMENTATION TABLE:** The Implementation Table in the appendix of the Agenda includes additional detailed information on each action such as implementation partners and funding status.

## Healthy, Thriving People

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A healthy, thriving city is only possible with healthy, thriving residents. City government, nonprofits, community organizations, and private sector partners must put the people of Detroit at the center of our strategy to create a more sustainable city. We must create equitable access to opportunities, services, and resources.

While there are many factors that contribute to a person's ability to live a healthy, thriving life, access to economic opportunities and public health are two of Detroiters' most significant barriers today. In 2016, asthma hospitalization rates in Detroit were more than three times higher than the state average, and the rate of asthma hospitalization for Detroit's African American community was 35 percent higher than for its Caucasian community.<sup>xii</sup> Additionally, less than half of Detroit residents earn a living wage and, out of the 100 largest cities in the U.S., Detroit ranks 88th for access to green space. Both factors contribute to poor health impacts such as stress, hypertension, and obesity.

This chapter outlines initiatives and goals to improve air quality, public health, and economic opportunities for Detroiters. It complements actions in other chapters that will increase mobility and health and safety issues in our city's building stock. Actions in this chapter include initiatives to advance equity in City decision making, reduce the digital divide, better monitor air quality, increase access to green space, and provide families with healthier food options.

## Goal 1: Increase access to healthy food, green spaces, and recreation opportunities

Healthy food and exercise are essential to Detroiters' ability to thrive in their communities. By focusing on expanding access to and programming in parks, sourcing nutritious, local food for City programs, and making healthy food available in more stores, the City can provide more options for Detroiters to live healthy lifestyles and build strong, sustainable communities.

### CALL OUT BOX/SIDEBAR: Measuring Progress

#### **Increase percent of residents within a 10-minute walk to a park to 90 percent<sup>xiii</sup>**

In 2018, out of the 100 largest cities in the U.S., Detroit was ranked 88<sup>th</sup> in terms of providing park spaces for residents. Parks and green spaces are a vital part of a healthy, thriving lifestyle. In 2018, 77 percent of residents lived within a 10-minute walk to a park. By 2024, 85 percent of Detroit residents will be within a 10-minute walk of a park and, by 2029, this percentage will increase to 90 percent.

#### **Increase the number of grocery stores performing well in availability, price and quality of healthful foods<sup>xiv</sup>**

In 2017, 71 grocery stores in Detroit were surveyed for availability of healthful foods, lower prices for healthful foods, and quality of fresh produce by the Detroit Food Map Initiative with support from the Detroit Food Policy Council and Wayne State University. Out of 47 available points, the average grocery store score for Detroit was 26.7 (range from 16 to 35). The top tier of stores scored at least 30 points. Only 15 stores out of 71 fell within this top tier of "healthfulness". We will work to increase the number of stores in Detroit that meet this threshold for healthfulness.

**[INSERT PARKS CALL OUT BOX HERE]**

**Action ID# 1****Provide nutrition and environmental education at recreation centers and parks**

More than one in three Detroiters are obese, which is well above the national average and can contribute to severe health risks. This risk can be particularly acute for children. Detroit youth often are not exposed to the breadth of nutritional education they need to help them develop healthy eating habits and live healthier lifestyles. We already provide conservation education at The Den in Palmer Park to supplement science, technology, engineering, and math education that is provided in schools and instill the importance of environmental stewardship. We will build on this successful program and provide nutrition educational at our 11 recreation centers to help youth and their families improve their diets and make healthier lifestyle choices. We will begin by engaging children who receive meals through the Parks and Recreation Department's Summer Meals program and build partnerships with Detroit based organizations that specialize in ecology, conservation, and nutrition education programming to provide after-school and summer programming.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	X
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Near-term (0-2 years)

**LEAD:** Parks and Recreation

**Action ID# 2****Create local food purchasing guidelines for City-funded programs**

Food insecurity is a major challenge for Detroit families. Nearly 75 percent of Detroit children depend on free or reduced lunches at school for meals. During the summer, this critical food source is not available. To reduce child hunger in the summer, the Parks and Recreation Department became a Summer Food Service Program sponsor (Meet Up and Eat Up) and started participating in the Child and Adult Care Food Program. Last year, the City served nearly 100,000 meals through the Summer Food Service Program alone. This represented more than \$600,000 in meals.

To ensure that participants are receiving fresh, healthy food through these programs and that they are being leveraged to support local food businesses, we will develop purchasing guidelines to secure more locally-sourced food for the Summer Food Service Program and Child and Adult Care Food Program. In addition, we will educate department staff, build connections with local growers and producers, and create a procurement tracking system to monitor City money reinvested in the local food economy.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	X
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** *Mid (3-5 years)*

**LEAD:**

Procurement

**Action ID# 3****Improve access to high quality, healthy food at grocery stores**

In 2017, nearly 95 percent of Detroiters had access to a full-line grocery. Despite the quantity of stores in the city, quality and overall experience remains a persistent issue for consumers. Thus, Detroiters face a unique challenge where the overriding issue is not access to grocery stores, but access to high quality, healthy food options within these establishments.

Detroit Economic Growth Corporation's Green Grocer program supports existing grocers to improve the quality of and shoppers' experience in stores. The Detroit Food Policy Council also operates a Grocery Store Coalition to address issues of quality and access. These programs have engaged more than 50 of the independent grocery stores in the city. We will build on these efforts and work with existing grocery operations to stock healthier food options. This will include technical assistance, local sourcing support, and attracting additional funding for the Green Grocers store improvement matching grant programs. We will also prioritize healthy food businesses in commercial corridor investment strategies to increase residents' food options.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	X
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** *Mid-term (3-5 years)*

**LEAD:**  
Planning

---

**Action ID# 4**  
**Renovate existing and create new parks throughout the city**

The City currently owns 311 parks in Detroit, many of which have not had capital improvements in more than ten years. In 2017, General Services and Parks and Recreation created a strategic plan to improve the City's parks and recreation centers. As the first phase of this plan, we invested \$11.7 million to renovate 40 neighborhood parks and created three new parks, adding over 12 acres of parkland to our system. Over the next ten years, we will renovate 99 existing parks and will create 18 new parks, including developing eight multisport parks, spending over \$100 million in capital improvement funds.

These parks were selected based on several key criteria, including which parks had the highest concentrations of children and senior citizens living nearby. Renovations will include new playgrounds, equipment, walkways, landscaping, and the installation of new sports facilities. All of these improvements will enable residents, young and old, to become and stay active. One of the major improvement strategies is to offer residents more natural parkland opportunities to address the relatively low percentage of parkland in the city that is natural open-space compared to active recreational parkland.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:**  
Mid (3-5 years)

**LEAD:**  
General Services

---

**Action ID#5**  
**Expand sports recreation opportunities for youth**

Access to recreation and outdoor activity significantly contributes to improved health outcomes for youth. The City currently operates 311 parks and 11 recreation centers, providing recreation opportunities like

swimming, tennis, basketball and a number of other activities for residents of all ages. Parks and Recreation will expand upon its current programing to increase recreation opportunities for youth.

Additionally, we will increase sports programing by increasing the number of youth playing soccer in Detroit from 1,700 to 8,000 by 2022, starting with the successful recruitment of 1,000 young people by Fall 2019. We are creating 44 new soccer fields in addition to the 20 existing soccer fields available for use, with the capacity for 6,400 youth dispersed throughout the city. In addition to our soccer programing, the Parks and Recreation will undertake a **City wide programing needs assessment** that will inform **additional sports and recreation programing**.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**Timeframe:** Mid-term

**LEAD:** Parks and Recreation



## Goal 2: Improve air quality and reduce exposure to pollution

Poor air quality and consistent exposure to pollution have negative impacts on health. For Detroiters to live healthier lives, we must ensure they can breathe clean air. By reducing pollution from transportation, creating natural buffers, and increasing the ability for residents to understand current air quality conditions, we can improve health outcomes throughout Detroit.

### CALL OUT BOX/SIDEBAR: Measuring Progress

#### **Reduce asthma hospitalization rates by 20 percent<sup>xv</sup>**

Between 2012 and 2014, for every 10,000 people in the City of Detroit there were approximately 41 hospitalizations for asthma per year. This rate, over the same period, was as much as 3.5 times higher than the rate for the State of Michigan and higher for African American residents of Detroit. We aim to reduce the hospitalization rate by 10 percent to 37 hospitalizations per 10,000 residents by 2024 and 20 percent to 33 hospitalizations per 10,000 residents by 2029.

#### **Increase average number of good air quality days<sup>xvi</sup>**

Detroit had an annual average of approximately 290 good air quality days between 2014 and 2016, with some neighborhoods lagging behind with nearly 60 less good days. Poor air quality negatively impacts Detroiters' health as well as school and work attendance. Detroit commits to reducing the average number of days reaching unhealthy for sensitive groups or above on the Air Quality Index.

#### **Increase targeted tree plantings to 15,000 trees<sup>xvii</sup>**

A more continuous tree canopy in Detroit can improve stormwater management, reduce urban heat island effect, reduce localized air pollution, provide wildlife habitat, and increase property values. In 2016, Detroit's average percent tree canopy coverage per block group was just 24.6 percent. Detroit aims to plant 5,000 trees by 2024 and 15,000 by 2029 in the top 20 census tracts with highly vulnerable populations most impacted by pollution and heat island effects.

**Action ID# 6****Expand local air quality monitoring system**

Detroit's current air quality monitoring network was designed to measure citywide concentrations of air pollutants tracked by the EPA. The State Department of Environmental Quality currently operates eight air quality sensors within Detroit. The size and placement of this network does not provide good neighborhood-level granularity to understand how air pollution concentrations can vary between and within neighborhoods. Better neighborhood-level data will enable us to better target our air quality efforts in high-pollution areas and address local sources of pollution.

We will launch two new air quality monitoring efforts to expand the local air quality monitoring system in Detroit. In partnership with the Michigan Department of Environment, Great Lakes, and Energy and the Southwest Community Benefits Coalition we installed three new air quality monitors in Southwest Detroit. We will continue to add more air quality monitors throughout the city that will provide real-time, location-based data to understand air quality conditions at a more localized level. The City will work with community and technical experts to determine optimal placement of these new sensors and analyze collected data.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	X
Reduced Greenhouse Gases	

**TIMEFRAME**

Near-term (0-2 years)

**LEAD:**

Health

**Action ID# 7****Create citywide truck routing network**

There are a number of pollution sources contributing to Detroit's high rates of asthma, including truck traffic. Truck traffic is a primary source of PM<sub>2.5</sub> (particulate matter less than 2.5 micrometers in diameter), which can get deep into people's lungs. Exposure to PM<sub>2.5</sub> has been linked to premature death in people with heart or lung disease, nonfatal heart attacks, aggravated asthma, decreased lung function, and other respiratory issues. Community Action to Promote Public Health estimates that diesel exhaust from on-road vehicles totals 725 tons a year and vehicle-associated emissions of PM<sub>2.5</sub> as dust, silt and road wear are estimated to be 573 tons a year in Wayne County.<sup>xviii</sup>

The City will redesign a truck route network that balances the needs of commerce and truckers while minimizing the impacts on public health and addressing environmental justice inequities. Based on a

study underway, we will reconfigure the truck route network in neighborhoods with high truck activity, beginning with a pilot in Southwest Detroit. Results of this pilot will be measured and, based on the results, a citywide truck route network will be developed as part of the 2020 Transportation Master Plan.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	X
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	X
Reduced Greenhouse Gases	

#### TIMEFRAME:

Mid (3-5 years)

#### LEAD:

Public Works

#### Action ID# 8

##### Increase tree plantings in vulnerable areas

The health burden of air pollution is substantial for residents. Annually, nearly 1 percent of all hospital visits in Detroit are attributed to ambient air pollution.<sup>xix</sup> Average tree canopy coverage throughout Detroit was almost 25 percent in 2017, yet some areas were as low as 1 percent and some as high as 52 percent. Trees can serve as buffers to pollution and have been shown to reduce health impacts from pollution when planted within 500 feet of roadways and other pollution sources. Areas with a high percentage of impervious surfaces and low tree canopy experience much higher temperatures, causing injury and death.

We will identify neighborhoods in the city where tree planting could have the greatest impact on ambient air temperature and air quality and increase the tree canopy coverage in these areas. Vegetative buffers, such as strips of planted trees, will be planted between sources of pollution and residential areas, schools, and other areas of high cumulative impact to reduce pollution exposure. Our goal is to plant 1,000 additional trees annually, targeted strategically to mitigate local air pollution and the effects of heat.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	

Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	X
Reduced Greenhouse Gases	

**TIMEFRAME:** *Mid (3-5 years)*

**LEAD:**

General Services

**[INSERT TREE PLANTING BLURB/CALL OUT HERE]**

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**Action ID# 9**

**Reduce emissions from City vehicles**

The City of Detroit owns and operates more than 2,700 vehicles, including police pursuit vehicles, fire apparatus, ambulances, dump trucks, street sweepers and ride-on mowers. While this represents a small percentage of the overall on-road vehicles driving in the city, we are committed to leading by example and fully-leveraging our assets to achieve the goals outlined in this Agenda. In addition to air pollution, the City's municipal fleet is responsible for over 65,000 tons of CO2e annually, which is more than 5 percent of municipal GHG emissions. We recently piloted four Plug-In Hybrid Electric light duty vehicles to assess fitness for service in the City's fleet.

We will reduce vehicle fleet emissions by right-sizing the City's fleet. We will also integrate electric, clean-diesel, hybrid, and other low-emissions vehicles into future vehicle purchases, retrofit our heavy trucks with clean diesel technology, and pilot test alternative fuels. As part of this effort, we will develop a list of recommended low-emission vehicles that meet current vehicle needs and requirements.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	X
Reduced Greenhouse Gases	X

**TIMEFRAME**

Mid-term (3-5 years)

**LEAD:**

General Services

### **Goal 3: Advance equity in access to economic opportunity**

For Detroiters to thrive, they must have access to opportunities. However, economic opportunity is not equitably accessible by all Detroiters. To improve access, we will focus on training programs to connect residents to jobs, investing in local minority and women owned businesses, and making sure people have the tools they need, such as Wi-Fi, to participate in today's educational system and economy.

#### **CALL OUT BOX/SIDEBAR: Measuring Progress**

##### **Increase the number of Detroiters earning a living wage to 68 percent<sup>xx</sup>**

In 2016, only 48 percent of Detroit households were earning a living wage, defined as 125 percent of the federal poverty level.<sup>xxi</sup> For Detroit to thrive, it must first ensure that its residents are earning wages that allow them to meet their basic needs and thrive. By 2024, Detroit aims to have 58 percent of Detroit households earning a living wage and will continue to advance initiatives and policies to reach a target of 68 percent by 2029.

##### **Increase the share of active city contracts with Minority, Women, and Detroit-Based vendors to 44 percent of total contracts<sup>xxii</sup>**

A sustainable Detroit is one where diverse entrepreneurs have access to opportunity. In 2018, roughly \$660 million of City contracts, out of nearly \$2 billion, went to Minority, Women, and Detroit-Based vendors. We aim to increase this amount from 34 percent to 44 percent of total contracts by 2024.

**Action ID# 10****Expand green jobs training and workforce development programs**

Nearly 9 percent of Detroiters are unemployed, which is more than double the Michigan and national unemployment rates. Many unemployed Detroiters lack the skills and training necessary for employment opportunities in a rapidly changing economy, including green industries. Green jobs are those that contribute to environmental and social outcomes and include a wide range of industries in Detroit, including but not limited to deconstruction, weatherization, renewable energy, green stormwater infrastructure, sustainable manufacturing, and environmental conservation.

The City has supported some training programs to help Detroiters transition into green industries. In 2016, with support from the Fred A. and Barbara M. Erb Foundation, the Detroit Economic Growth Association launched a contractor training program to train small and medium-sized contractors on green stormwater infrastructure. More than 40 contractors and landscapers graduated from this program. Building on this and other efforts, we will launch a green jobs track in the Grow Detroit's Young Talent Program to identify local employers for apprenticeship opportunities. We will also expand the green jobs track to the Detroit At Work initiative, including training and job placement, and recruit non-local green industry employers to operate in Detroit.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Mid-term (3-5 years)

**LEAD:** Workforce

**Action ID# 11****Prepare Detroit residents for City employment opportunities**

Employers consistently cite a skills gap in Detroit residents, which contributed to the high unemployment rate. To address this, the Civil Rights, Inclusion and Opportunity Department monitors employers with local hiring requirements. Employers that do not meet hiring requirements contribute to the Workforce Training Fund. Through the fund, Detroit Employment Solutions Corporation provides training in construction and skilled trades to Detroit residents. In 2018 fiscal year, 2,500 Detroiters were trained and 5,000 placed in jobs through workforce initiatives.

We will leverage the Workforce Training Fund and other workforce training programs to ensure that Detroiters have access to workforce development training opportunities for high-demand industries. In addition to expanding training and career pathways, we are also working to eliminate employment

barriers through the City's Project Clean Slate initiative, which is helping eligible residents expunge their criminal records to assist in better access to job opportunities, and a driver responsibility fee forgiveness policy. We will also conduct employment fairs to matchmake city residents with employers who are bidding on City contracts.

#### CO-BENEFITS/IMPACTS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

#### TIMEFRAME:

Near (0-2 years)

**LEAD:** Civil Rights and Workforce

#### Action ID# 12

#### Launch a digital inclusion program

According to the 2017 American Community Survey, Detroit is one of the least connected cities in America with more than 100,000 residents. Approximately 42 percent of Detroiters do not have a cellular data plan and 32 percent do not have access to internet of any kind. The cost of data plans and the lack of digital skills are two of the main barriers for internet adoption. The City recently hired its first Digital Inclusion Fellow in the Department of Innovation and Technology to help coordinate community stakeholders, internet service providers, and other partners to address these challenges and increase digital access in the city.

We will work to increase access to low-cost internet plans and devices and work with community partners, such as the Detroit Digital Justice Coalition, to expand grassroots efforts to improve internet access. We will also convene City departments, private and non-profit partners, and residents to better understand the gaps and challenges that result in the lack of connectivity.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	

Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:**

Mid-term (3-5 years)

**LEAD:**

Technology

**Action ID# 13**

**Expand wireless internet access on City buses**

Digital connectivity is an essential part of modern life, underpinning access to jobs, healthcare, and educational opportunities. In 2018, we installed Wi-Fi service on six City buses to provide a link for Detroiters. Building on the success of this effort, we will expand Wi-Fi access to 120 City buses. Many bus riders spend commute time on the bus daily, Wi-Fi-enabled buses will make this time more productive for them and help close the digital divide for Detroiters.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Near (0-2 years)

**LEAD:**

Transportation

**Action ID# 14**

**Launch a diversity, equity and inclusion initiative**

Racial inequity remains a pervasive issue for Detroit and cities across the nation. While Detroit is over 85 percent minority, only 6 percent of total City contracts were awarded to minority business enterprises in 2018. White Detroiters earn almost \$3,000 more annually than do African American Detroiters.<sup>xviii</sup> While multiple factors contribute towards inequality, addressing racial disparities requires government institutions to take an active role in ending the perpetuation of institutional racism through equity-based policy and decision making. When racial equity is advanced, it produces better outcomes for people of color and all communities as a whole.



We will develop and launch a diversity, equity, and inclusion initiative to enable City processes to explicitly address issues of racial equity in neighborhood planning efforts, hiring and recruitment, budgeting, and contracting. To begin, we will design a racial equity assessment tool to increase equitable outcomes in City policy and decision-making processes. The tool will support users to identify how initiatives or plans will benefit or burden particular communities, what are the potential disproportionate impacts on communities of color, and how to proactively address disproportionate impacts. Its application will help decision makers remain accountable for ensuring equitable outcomes for all residents. In order to ensure that the tool is being applied, we will provide training for City staff to build competencies around diversity, equity, and inclusion.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Long-term (6-8 years)

#### LEAD:

- Civil Rights

## **Affordable, Quality Homes**

DRAFT

Housing is key to building healthy and stable residents and communities. As Detroit grows, we must ensure that all residents can afford efficient, quality homes free of hazardous materials. We must work to minimize the involuntary displacement of longtime Detroiters, who have been central to our city's growth, and to maintain affordable housing options throughout the city. We can bolster existing affordability strategies by reducing utility costs and eliminating exposure to toxic materials in homes. Through these efforts, Detroit residents will not only have affordable housing options, but also quality ones.

As Detroit's population decline slows and we enter a new phase of growth, demand is driving significant new construction, with over 2,000 new multifamily residential units completed in 2016 and 2017. Increased housing investment and demand places pressure on our existing affordable housing stock, particularly in resource rich neighborhoods. This sharply increases rents and property values, which is problematic for many Detroiters.

In 2016, an estimated 48 percent of Detroit residents spent more than 30 percent of their monthly income on housing and utility costs—a level defined by the U.S. Department of Housing and Urban Development as housing-cost burdened.<sup>xxiv</sup>

To minimize the displacement of long-term residents and protect the health and well-being of residents, this chapter focuses on actions that complement the recently released the Detroit *Multifamily Affordable Housing Strategy*. This includes initiatives to improve water affordability, lower energy bills, and reduce lead exposure in homes.

## Goal 4: Reduce the total costs of housing, including utilities

To reduce the cost of housing, we must work to both increase the availability of affordable housing units and reduce the utility burden of Detroit residents by promoting more efficient energy and water usage and, where possible, reducing the cost of these resources. This can be accomplished by focusing on getting more people access to utility efficiency and home repair programs, intentionally preserving affordable housing units, and making it easier to find affordable housing.

### **CALL OUT BOX/SIDEBAR: Measuring Progress**

#### **Reduce the number of residents paying more than 30 percent of their income for housing, including utilities<sup>xxv</sup>**

In 2016, an estimated 48 percent of Detroit residents spent more than 30 percent of their monthly income on housing and utility costs—a level defined as a burden by the U.S. Department of Housing and Urban Development. This level of spending on basic housing needs is not sustainable for residents or the city. Detroit aims to decrease the number of residents paying more than 30 percent of their monthly income on housing and utilities.

#### **Create 12,000 new and preserved affordable housing units<sup>xxvi</sup>**

The preservation and creation of affordable housing is the cornerstone to Detroit's growth strategy. Detroit aims to build a portfolio of 10,000 preserved affordable housing units and 2,000 new affordable units in Detroit by 2024.

#### **Reduce cost of water service for 15,000 residential low income customers<sup>xxvii</sup>**

Water consumption per capita in Detroit is much lower than the national average. Despite this, 48 percent of Detroiters pay more than 3 percent of their income for water. Average residential water bills increased by 8 percent annually from 2013 through 2017. As of 2018, the City had reduced water service costs for 1,100 households through the home plumbing repair program. Our goal is to reduce the amount of the total, effective water bills for 5,000 low income households (as defined by 150 percent of federal poverty line) by 2024 and for 15,000 households by 2029.

#### **Reduce average residential energy consumption per capita by 20 percent<sup>xxviii</sup>**

Detroit's residents rely on electricity and natural gas to power, heat, and cool their homes. If the homes are poorly insulated, have inefficient appliances, and if residents do not practice energy-saving behaviors, energy bills can represent a major cost burden to households. In 2016, annual residential energy use was 9 MMBtu per capita. In order to reduce this burden, Detroit aims to reduce energy consumption per capita by 10 percent by 2024 and by 20 percent by 2029.

### **CALL OUT BOX: Community Voice**

#### **We Asked:**

"What is the single most important sustainability action?"

**You Told Us and We Listened:**

"Providing access to affordable and safe utilities, such as water, to everyone"

- Anonymous Resident, coUrbanize comment question

DRAFT

**Action ID# 15****Improve access to utility efficiency programs**

Almost half of Detroit households spend more than 10 percent of their income on utilities—the level defined as “affordable” by the U.S. Environmental Protection Agency and other experts. This adds a significant burden to household budgets, particularly for lower-income residents. In 2017, more than 100,000 Detroit households participated in programs to help pay utility bills or enhance the water and energy efficiency of their homes to achieve recurring utility savings. These programs, however, have long waitlists and inadequate funding to meet the demand from qualifying residents. In addition, a recent study found that 75 percent of applicants who qualified for Federally-funded weatherization programs, which invest an average of \$10,000 in homes to increase energy efficiency, were turned away from the program because of needed repairs in their homes beyond the scope of weatherization.

Leveraging utility assistance programs in concert with home repair and other city programs would enable residents to further reduce their monthly expenses. We will work to streamline the processes for residents to access utility efficiency programs to make it easier for qualifying households to participate in these programs. This will include investigating opportunities to integrate efficiency programs in existing home repair and foreclosure prevention programs.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	X

**TIMEFRAME:**

Mid-term (3-5 years)

**LEAD:**

Sustainability

**Action ID# 16****Expand home plumbing repair programs**

Many low-income households in Detroit struggle to pay their water bills. Approximately 46 percent of respondents to our survey indicated that water affordability was their top water challenge. Water and Sewerage has several programs to help customers reduce their water use, including the Water Residential Assistance Program (WRAP), which provides up to \$1,000 in assistance and a \$25 monthly bill credit to qualifying customers.

Low-income households enrolled in WRAP whose water usage is more than 120 percent of the average household in Detroit can also qualify for minor home plumbing repairs. These repairs, which are managed by the Great Lakes Water Authority, have resulted in an average 19 percent reduction in bills for

participating households. Nearly 2,000 Detroit households have received minor home plumbing repairs through this program to date. Water and Sewerage also recently completed a pilot toilet replacement program that resulted in comparable savings for participants.

Existing water conservation efforts have helped thousands of Detroiters lower their bills, but the demand for these programs far exceeds current resources. We will work with our partners to expand these programs and launch a citywide low-income home plumbing repair program. Each participating household will receive a home visit, including a water audit, conservation education, leak repair, and toilet and fixture replacement with more efficient fixtures.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Near-term (0-2 years)

#### LEAD:

Water and Sewerage

#### Action ID# 17

##### Implement and expand upon the Blue Ribbon Panel's water affordability recommendations

The average monthly cost of water has increased approximately 60 percent since 2010.<sup>xxix</sup> In 2015, the City convened a Blue Ribbon Panel on Affordability (Panel), composed of national experts and local stakeholders, to identify options to address low-income customers' challenges in paying water and sewer bills. The Panel issued 14 recommendations in 2016.<sup>xxx</sup> The City has been working to implement these recommendations: some of which have been delayed due to legal or regulatory constraints. We will continue to work with stakeholders to implement the Panel's recommendations and develop new steps to improve water affordability in Detroit.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	

Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:**

Near -term (0-2 years)

**LEAD:**

Water and Sewerage

**Action ID# 18**

**Establish affordable housing preservation goals for building owners receiving City incentives**

Residential construction in Detroit has increased in recently years, with nearly 2,800 new units constructed between 2015 and 2018. This represents a significant increase from previous years. Only 630 of these units were affordable to households with incomes at or below 60 percent of the area median income. As new market rate homes are added to the market and our existing housing stock ages, the city is at risk of losing homes that are currently affordable to Detroiters. Between 2005 and 2016, average rents in Detroit increased 26 percent and rents in Greater Downtown rose 37 percent.

City incentives remain a critical resource for major redevelopment projects. To minimize involuntary displacement, we will develop goals and displacement prevention strategies that require building owners seeking incentives for redevelopment of an occupied building to create a retention plan with an affordable housing outcome for every resident.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Near (0-2 years)

**LEAD:**

Housing

**Action ID# 19**

**Increase access to information on existing affordable housing**

Currently, there is no easily accessible and well-publicized information for residents about affordable housing options. Residents who may qualify for units in regulated affordable housing are often unaware of their options outside of traditional public housing. We will develop a variety of tools that provide residents



with information on existing and new affordable housing, to assist in their housing search. These tools will be designed using analysis of existing sources and gaps in information; input from housing placement providers; feedback from resident focus groups; and, assessment of current market conditions.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Near (0-2 years)

**LEAD:**

Housing

## Goal 5: Improve the health and safety of existing and new housing

The health and safety of homes can significantly impact the sustainability of Detroiters. Lead represents one of the greatest health threats in Detroit housing. Understanding the city's lead exposure is essential to reducing the irreversible damage it has to our children and their ability to grow up and have long healthy lives. By expanding lead training, abatement, and testing, we can create healthier homes for Detroiters.

### CALL OUT BOX/SIDEBAR: Measuring Progress

#### **Achieve universal testing of elevated blood lead levels in children <sup>xxxi</sup>**

More than 90 percent of homes in Detroit were built before the 1978 federal ban on lead in paint and likely contain lead-based paint or other materials. Testing for elevated blood lead levels (EBLL) in children is important for targeting public health interventions. In 2017, we tested 23,333 children, 32 percent of those eligible. We aim to have 50 percent of eligible children tested twice before age 3 by 2024, with a goal of universal testing (100 percent of children tested twice before age 3) by 2029.

#### **Reduce elevated blood lead levels in children to 3.8 percent<sup>xxxii</sup>**

In 2017, of children tested for EBLL in Detroit, 7.5 percent had EBLL. We also aim to have EBLL among the tested population reduce to 5 percent by 2024 and 3.8 percent by 2029.

**Action ID# 20****Expand lead poisoning prevention initiatives across the city**

More than 8 percent of Detroit children had elevated blood lead levels (EBLL) in 2016. In some zip codes, over 20 percent of children tested in 2016 were lead-poisoned. Lead exposure is most common from swallowing house dust or soil contaminated by leaded paint, which is often found in old and dilapidated buildings. High blood lead levels can lead to developmental problems, behavioral disorders, and learning difficulties. While the number of children with EBLL in Detroit has decreased by about half since 2009, lead still remains a significant health challenge among children in Detroit.

In 2016, the Health Department launched Lead Safe Detroit, a coalition of City departments and community partners to coordinate childhood lead prevention and removal in the city. Building on this effort, we will increase child testing, parent education, and the screening of lead hazards in homes, with the goal of ensuring all children in Detroit are tested for lead poisoning at least twice before the age of 3. This will include door-to-door outreach, testing, and education in Detroit zip codes with EBLL. We will also continue to conduct Lead Safe Detroit meetings to address barriers to case management for families with lead poisoned children.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Near-term (0-2 years)

**LEAD:**  
Health

**Action ID# 21****Create a residential lead abatement training pilot program**

An estimated 93 percent of Detroit homes were built prior to 1978, when lead paint was banned in the U.S., and carry a high risk of lead poisoning due to the anticipated presence of lead paint. Children can be exposed to lead paint during rehabilitation and construction, which can expose old paint and cause it to flake. City and non-profit programs remediate approximately 100 to 200 homes per year to reduce the risk of lead poisoning. More contractors are needed to increase the number of homes that can be safely remediated each year as part of Lead Safe programs and through other rehabilitation programs and homeowner repairs.

To ensure all construction projects in the city are conducted in compliance with Lead Safe standards, we will provide lead-safe abatement training to homeowners and general contractors, with an initial focus on low-income homeowners conducting home rehab work. Contractors who are trained and certified through this program will be eligible to participate in City-run abatement and construction programs.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Mid-term (3-5 years)

#### LEAD:

Sustainability

#### **Action ID# 22**

##### **Develop green building guidelines for new developments receiving City incentives**

Buildings and facilities accounted for 63 percent of citywide greenhouse gas (GHG) emissions in 2012. Finding ways to reduce building energy use – and associated GHG emissions – is critical to achieving our GHG reduction goals.

We will convene developers to identify the barriers to adopting green building practices in new developments in Detroit. Based on these discussions, we will develop and implement pilot green building practices in the development timeline (e.g., site plan review), the applications for tax abatements, and the Affordable Housing Leverage Fund. We will also promote existing financial tools to help developers meet these standards.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	

Reduced Greenhouse Gases	X
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**TIMEFRAME:**

*Mid-term (3-5 years)*

**LEAD:** Sustainability

DRAFT

## Clean, Connected Neighborhoods

DRAFT

A neighborhood is an ecosystem. It should create balance for everyone and provide for the needs of those that live there. A clean, connected neighborhood offers easy access to stores, greenspaces, fresh food, and jobs. It provides recycling and composting, safe spaces, and beauty that encourages residents to walk and explore. This Agenda outlines our strategy, built on insights and direction from Detroiters, to foster neighborhoods that have these traits. Clean and attractive streets, sidewalks, and lots give residents pride in their community, inspiring us to come together in new and inspiring ways.

Detroit's neighborhoods offer varying degrees of the amenities necessary to build sustainable neighborhoods. The Agenda focuses on improving three characteristics essential to creating Clean, Connected Neighborhoods: transforming vacant land and structures, reducing waste, and improving mobility.

Currently, Detroit has over 40 square miles of vacant land. These vacant lots, if left uncared for, can decrease residents' sense of safety, encourage illegal dumping, and reduce the beauty of our neighborhoods. At the same time, over a quarter of Detroit households do not own a car, restricting their ability to access amenities in other neighborhoods. Finally, citywide, only 4 percent of residential waste is composted or recycled, impacting the cleanliness of our neighborhoods.

This chapter presents goals and initiatives to improve these neighborhood amenities and services and create cleaner and more connected neighborhoods throughout our city. This includes initiatives to increase recycling rates, create streets that are safer to walk and bike, and make it easier to maintain or purchase vacant lots.

## Goal 6: Transform vacant lots and structures into safe, productive, sustainable spaces

Many of neighborhoods have significant amounts of vacant land. Transforming these lots into safe, productive, sustainable spaces can increase the vibrancy of our neighborhoods. We will do this by making it easier for Detroiters to purchase, care for, and run businesses on vacant lots.

### CALL OUT BOX/SIDEBAR: Measuring Progress

#### **Increase total acres of productive agricultural land to 500 acres<sup>xxxiii</sup>**

Detroit has roughly 15,000 acres of vacant land that could be used for more productive purposes, such as urban agriculture and stormwater management. In 2016, the city had 165 acres being used to grow food with more than 1,500 urban gardens and farms, approximately 300 of those considered larger market and community gardens.<sup>xxxiv</sup> By continuing the conversion of vacant to productive land, Detroiters can realize the social, health, and economic benefits of local healthy food production. We aim to continue to increase this productive land to 300 acres by 2024 and to 500 acres by 2029.

#### **Increase lots in Side Lot Adoption program<sup>xxxv</sup>**

Detroit has a large inventory of vacant and unimproved parcels located in its residential areas. By making these lots available to the community, the city can improve surrounding real estate values and reduce crime. As of 2018, neighbors and community groups had adopted 12,179 side lots, equivalent to 986 acres. By the year 2024, our target is to have sold a total of 24,500 side lots and by 2029, 36,500 side lots cumulatively.

#### **Sell all City-owned vacant property structures<sup>xxxvi</sup>**

We also aim to close on 2,500 vacant property structures each year across the Auction, Own It Now, Community Partners and Occupied programs, selling 12,500 by the year 2024, leaving only 2,500 structures in our inventory. By 2029, we aim to have no structures in our inventory.

### CALL OUT BOX: Community Voice

#### **We Asked:**

"What would you say adds to or takes away from your sense of safety?"

#### **You Told Us:**

Knowing the neighbors adds to it. Vacant homes and buildings take away from it.

- District 1 Resident, Sustainability Survey, May 2018

"Vacant properties are a concern; block club/neighbors are an asset"

- District 2 Resident, Sustainability Survey, June 2018

#### **We Listened:**

We have developed specific actions aimed at improved maintenance of vacant lots, easier sale of vacant lots and structures, improved cleanliness of lots, and activation of vacant lots.



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**Action ID# 23****Improve processes to purchase City owned vacant lots**

Our Side Lot programs and demolition program has reduced blight and increased safety, led to \$500,000 in additional property taxes for the City, and helped create new playgrounds, gardens, and neighborhood gathering spaces. The Land Bank holds dozens of community events a year to encourage side lot sales and has streamlined the buying of lots to the point where the entire process can be completed in less than an hour. We will continue to facilitate side lot sales through Side Lot Fairs and neighborhood home sales events to reduce the amount of publicly-owned property and enhance our communities.

While the City has a successful model for side lot sales, navigating the land purchase process for non-adjacent properties can be difficult. This is due to a lack of publicly available information on the purchase process, zoning for land-based projects, conditional land use hearings, and land pricing transparency. We will streamline the process to purchase non-adjacent vacant lots to accelerate the disposition of publicly-owned vacant properties.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	X
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	X
Improved Food System and Access	X
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Near (0-2 years)

**LEAD:**

Planning

**Action ID# 24****Support neighborhood-based efforts to care for vacant lots and structures**

We perform some maintenance on properties currently in city inventory. As an example, our Board-up Brigade has boarded up over 18,000 homes over the last two years. However, the need is much greater than current capacity. Blighted properties invite illicit activity, attract rodents and other animals, and depress property values.

Many community organizations and individuals have taken it upon themselves to maintain vacant lots in their communities, including boarding up openings on vacant buildings, removing debris, or cutting the lawn. For property that cannot immediately be sold, we will develop a path for community-based groups to be compensated for their care and maintenance of lots and the exterior of vacant structures. This could include a lot leasing program, job training and employment opportunities, and coordination with City departments, philanthropy, and local businesses to support community efforts.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	X
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	X
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Mid-term (3-5 years)

**LEAD:** Land Bank

**Action ID# 25****Develop a fee structure and associated rules for irrigation only water accounts**

Currently, Water and Sewerage does not have a formal policy in place for "irrigation only" accounts for land-based businesses, such as urban farms, that only use water for irrigation and have no sanitary sewer facilities. The use of water for irrigation purposes at some of these land-based businesses is currently highly dependent upon rainfall and stormwater capture. As sewerage rates are more than twice the commodity charge for water, the costs of sewerage represent a significant cost for businesses that do not generate sewage.

We will develop a fee structure for irrigation only accounts and associated rules for the permitting and use of water at these properties. Policy development will take into account peak and non-peak water consumption and the impact on charges for irrigation-only accounts. Analysis of this data will allow Water and Sewerage to set pricing and policies that direct water use in a manner that is beneficial for the community, utility operations, and resource management.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:**

Near-term (0-2 years)

**LEAD:**

**Water and Sewerage**

**CALL OUT BOX: Urban Farming - More than Gardens**

Gardening and agriculture have been practiced in the region since the Huron, Odawa, Potawatomi and Iroquois peoples cultivated maize, squash and beans, fished, and hunted. Mayor Hazen Pingree's potato patches, Victory Gardens, and Mayor Coleman Young's Farm-a-Lot program continued the practice of farming in an urban setting to provide healthy food for Detroiters. In the 1980s, a group of African American women, dubbed the "Gardening Angels", helped grow food in vacant lots and teach youth the importance of self-reliance. In 1992, Grace Lee Boggs founded Detroit Summer. This multicultural and intergenerational program aimed to rebuild, redefine, and respirit Detroit. It became a movement that brought both young and old together to plant community gardens and paint community murals. This program inspired the creation of spin off bike programs and poetry workshops, proving the power of community and a garden to transform. Today, Detroit has a vibrant urban gardening movement, with over 1,500 gardens identified in 2016 which produced almost 350,000 lbs. of produce. This work is supported by groups such as Keep Growing Detroit, the Detroit Black Community Food Security Network, Earthworks Urban Farm, and many others.

## Goal 7: Reduce waste sent to landfills

Thriving neighborhoods should have access to amenities like trash collection, recycling, and composting that allow residents to practice sustainability in their daily lives. We can reduce waste sent to landfills by focusing on efforts to expand access to and awareness of recycling services and to create and test new composting programs for commercial and residential properties.

### **CALL OUT BOX/SIDEBAR: Measuring Progress**

#### **Increase recycling and composting diversion rate to 30 percent <sup>xxxvii</sup>**

Op-in rates for residential recycling have grown from 9 percent in 2014 to 27 percent in 2019. However,

Detroit only composted or recycled 4 percent of its residential municipal solid waste citywide in 2017. This is significantly below the national average of approximately 35 percent diversion.

Detroit will increase recycling and composting diversion rates of residential municipal solid waste to 15 percent by 2024 and 30 percent by 2029.

**[INSERT CHANGE WASTE LANDSCAPE CALL OUT BOX HERE]**

**Action ID# 26****Launch a citywide recycling campaign**

While participation in Detroit's current single-family recycling program has grown from 9 percent to 27 percent of eligible households over the last five years, overall just over 1 percent of waste from eligible households is recycled, far below our peer cities. We will launch a citywide, multi-channel campaign to increase participation rates in our single-family curbside recycling program. Our goal is to increase single-family home participation rates to 35 percent by 2020. We will also engage residents to reduce the amount of non-recyclable materials thrown out with recyclables (referred to as contamination rates), which can increase solid waste management costs and cause materials that would otherwise be recycled to be turned away from facilities. As part of these efforts, we will work with partners to distribute 16,000 new recycling containers and canvas neighborhoods to educate residents about what can and cannot be recycled.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME**

Near-term (0-2 years)

**LEAD:**

Public Works

**Action ID# 27****Expand curbside recycling to multi-family buildings**

Few multi-family buildings offer on-site recycling opportunities for residents, which represents a significant gap in our efforts to increase recycling and divert waste from landfills. We will work with property owners of multi-family buildings to provide on-site recycling options to tenants and provide curbside pick-up to over 2,500 multifamily units. We will also identify strategies to encourage the inclusion of recycling options in new multifamily buildings.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	

Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:**

Near-term (0-2 years)

**LEAD:**

Buildings and Safety and Public Works

**Action ID# 28**

**Expand recycling to public spaces and all City facilities**

As we work to expand citywide recycling efforts and reduce the volume of trash sent to landfills, the City will lead by example and increase recycling efforts for municipal waste. Currently, recycling is only offered in a small number of City buildings, including fire stations, the Coleman A. Young Municipal Center, and some recreation facilities. We will expand recycling to all staffed City facilities, beginning with public safety and recreation facilities. We will also launch the City's first public space recycling program at targeted parks, basketball courts, and high-traffic bus stops.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:**

Mid-term (3-5 years)

**LEAD:**

Sustainability

**Action ID# 29**

**Develop best practices guidance for commercial scale compost operations**

Each year, Detroiters send an estimated 40 to 100 thousand tons of organic materials to landfills. This costs the City money to collect and haul these materials, which once in landfills, release methane as they

decompose. Methane is a greenhouse gas that is over 20 times more potent than carbon dioxide and a significant contributor to climate change.

Organic materials could be managed more sustainably through composting, which converts organic matter into a nutrient-rich soil amendment that could support the city's growing urban agriculture community, demolitions, and green infrastructure projects. The Michigan Department of Environment, Great Lakes, and Energy has clear regulations governing composting facilities and operations.

New state legislation has been proposed to strengthen policy, county planning, and market development. Additional clarity is needed to guide safe commercial composting operations within city limits. We will develop rules to ensure commercial composting operations are in line with best practices, for those facilities not currently regulated by Michigan Department of Environmental Quality (over 500 yards). The rules will be tested through a commercial/institutional and community-scale pilot project targeting compostable mixed organics.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	X
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Mid-term (3-5 years)

**LEAD:** Buildings and Safety

#### Action ID# 30

##### Launch residential composting pilot program

Residents can play a critical role in diverting organic materials from landfills. We will pilot a residential-scale compost program to reduce the amount of organic waste entering the municipal waste stream. As part of this effort, we will provide educational materials and resources like compost tumblers, mulching blades, and bin systems to interested residents and community-scale sites to facilitate composting at home. We will track participation, the volume of organics diverted, and the associated waste hauling savings to evaluate opportunities to expand the pilot.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X



Improved Food System and Access	<b>X</b>
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Mid-term (3-5 years)

**LEAD:** Sustainability

DRAFT

## Goal 8: Make it easier and safer to get around Detroit without a personal vehicle

Creating more connected neighborhoods requires making it easier and safer to get around and between Detroit's neighborhoods. Specifically, Detroiters should be able to travel around the city without relying on a personal vehicle. To make this possible, we must make travel without a personal vehicle safer and easier. This involves improving mobility options to get to work, addressing severe crash locations, and creating more protected bike networks.

### CALL OUT BOX/SIDEBAR: Measuring Progress

#### Reduce the deadliness of pedestrian, and bicyclist crashes<sup>xxxviii</sup>

A sustainable Detroit requires a well-planned mobility network through which residents can get where they need to go safely. In 2016, there were over 12,900 auto, pedestrian, and bicyclist crashes on Detroit roads (highways excluded), resulting in over 420 severe or fatality injuries. We seek to reduce the overall crash number by 21 percent in 5 years. In the next 5 years, we are targeting a 30 percent reduction in the share of crashes involving bikes that result in severe or fatal injuries and a 20 percent reduction in the share of crashes involving pedestrians that result in severe or fatal injuries.

#### Increase AllTransit Performance Score to 8.3<sup>xxxix</sup>

The AllTransit Performance Score represents a location's transit connectivity, access, and frequency data on a scale from 1 to 10. Detroit's AllTransit score was 6.8 in 2016, below peer cities such as Pittsburgh (8.3), Chicago (9.1), and Cleveland (7.6).<sup>x</sup> By 2024, we will increase our AllTransit score to 7.6, with a long-term target of increasing the AllTransit score to 8.3 through interventions that improve transit frequency and access.

#### Create "Very Walkable" Detroit neighborhoods<sup>xii</sup>

Walkable communities encourage fewer car trips, minimizing air and noise pollution, and increase physical exercise, improving the overall health of those working and living there. Neighborhood WalkScore represents the walkability of the area by analyzing population density and local metrics.<sup>xiii</sup> Detroit's 2017 WalkScore was 55, which is considered to be "somewhat walkable", but this varies drastically by neighborhood. Detroit aims to have a city-wide WalkScore of 60 in 5 years and 75 ("very walkable") in 10 years.

### CALL OUT BOX: Community Voice

#### We Asked:

"Where are things you would change about your everyday life — and why?"

#### You Told Us and We Listened:

"I love my neighborhood but we need a better public transportation network. My family of 6 do not own a car. In a modern city we should not be required to own one and should be able to quickly and efficiently get all around the city and the general Detroit region."

- District 5 Resident, coUrbanize coMap

**Action ID# 31****Improve mobility connections between neighborhoods and job centers**

Urban mobility is about more than infrastructure; it is about ensuring people can reach jobs and opportunities and employers can access a diverse workforce. We are committed to improving and expanding mobility options in the city to make it easier for Detroiters to get where they need to go and to ensure that everyone benefits from the city's resurgence. Last year, the City released its first *Strategic Plan for Transportation* to address many of the challenges facing transportation in Detroit. The plan has five main goals—economic opportunity, safety, vibrancy, community outreach, and city functionality. Reliable and affordable transit is critical to lowering household transportation costs and sustaining the city's growth.

As part of the *Strategic Plan for Transportation*, we will continue to increase transit frequency and reliability, providing bus routes with service every 15 minutes on major corridors. We will also expand programs that link residential and employment areas with transit, such as the Lyft pilot along the Woodward Corridor. In addition, we will implement our "Get to Work" program, which works with Detroit Employment Solutions Corporation clients to find more convenient ways to get to work and training opportunities. Finally, we will increase the number of mobility options available to Detroiters, including bike share, other micro-mobility solutions (such as electric assist bicycles and scooters), car share, and carpooling.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:** Near-term (0-2 years)

**LEAD:** Mobility

**Action ID#: 32****Implement safety measures to reduce crash severity**

In 2017, there were 620 crashes involving pedestrians and cyclists, resulting in 27 fatalities. We must make improvements in the safety of walking and bicycling to ensure that existing users of these modes are kept safe and new users feel welcome to use these ways of getting around.

We will identify the 50 most dangerous intersections and develop strategies to enhance pedestrian and traffic safety for these locations, including targeted traffic enforcement. A study is underway to develop a root-cause analysis of the "high-crash" areas where pedestrian/bike fatalities are occurring, which will help identify gaps in pedestrian and bicycle infrastructure for future capital improvements.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	X
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:**

Mid-term (3-5 years)

**LEAD:**

Public Works

**Action ID# 33**

**Expand Detroit's protected bike lane network**

Approximately 25 percent of Detroit households lack access to a car and use other methods of travel in the city, including cycling. The City has expanded our protected bicycle infrastructure at a rapid rate: we have built 53 new miles of bike lanes over the last three years, resulting in around 236 total miles of bicycle infrastructure. As part of this work, we have constructed 43 miles of new protected bike lanes, which use physical barriers like bollards or landscaped berms to physically separate bicyclists from cars and trucks. This represents the largest separated bike lane expansion in the U.S.

We will continue to upgrade existing bike lanes and add 20 additional miles of protected bike lanes to the city's network. As we expand the network, we will incorporate results from the East Jefferson pilot project into future community engagement efforts and construction standards.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	X
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME:**

Mid-term (3-5 years)

**LEAD:**  
Public Works

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DRAFT

## **Equitable, Green City**

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The City of Detroit must lead by example in creating a more equitable, green Detroit. The City is working to advance equity and sustainability in all policies and operations and has already taken steps to align ourselves with global environmental standards, such as committing to the Paris Climate Agreement to reduce greenhouse gas emissions 30 percent by 2025 from a 2005 baseline<sup>xliii</sup>. However, we still have work to do to ensure that our city, and its most vulnerable populations, are resilient to the impacts of climate change and to actively reduce our contributions to it.

As outlined in *Detroit's Climate Action Plan*, created by Detroiters Working for Environmental Justice, climate change is expected to increase overall temperatures and precipitation in Detroit and increase the frequency and intensity of precipitation events.<sup>xliiv</sup> These changes will exacerbate existing heat island and urban flooding challenges faced by Detroiters, which have a disproportionate impact on vulnerable populations, such as those with low income, some communities of color, immigrant groups (including those with limited English proficiency), Indigenous peoples, children and pregnant women, older adults, vulnerable occupational groups, persons with disabilities, and persons with preexisting or chronic medical conditions.

This chapter outlines goals and initiatives to both reduce our greenhouse gas emissions and increase our resilience to climate change, with an emphasis on our most vulnerable populations. Initiatives aim to increase the use of renewable energy and green stormwater infrastructure, improve resident access to services, and reduce energy use and greenhouse gas emissions from city operations.

## Goal 9: Enhance infrastructure and operations to improve resilience to climate impacts

As Detroit begins to experience more extreme precipitation events, our wastewater infrastructure can become overwhelmed. However, by focusing on expanding the amount of and targeting the location of green stormwater infrastructure throughout the city, we can help reduce the impacts of these events. Likewise, informed and prepared communities will be more resilient to climate impacts. We will make information easier to access and provide emergency training to help to prepare communities for extreme events.

### CALL OUT BOX/SIDEBAR: Measuring Progress

#### **Reduce volume of untreated combined sewer overflows<sup>xlv</sup>**

Untreated Combined Sewer Overflows (CSO) are a result of overwhelming the city's system during rain events. In 2017, the regional sewer system recorded 77 combined sewer overflow events into the Detroit and Rouge Rivers. While over 96 percent of the sewage released into the Detroit waterways met regulatory requirements, 722 million gallons of untreated sewage were released into Detroit waterways during these events. These discharges create water quality impacts that could impact quality of life for residents, such as through beach closings. We will continue to take actions that reduce the volume of untreated discharges to local waterways.

#### **Double the acres managed by green stormwater infrastructure<sup>xlvi</sup>**

Green infrastructure is a key strategy for improved stormwater management, water quality, and neighborhood revitalization. As of 2018, Detroit managed approximately 900 acres through green stormwater infrastructure, direct discharge, and impervious removal (excluding demolitions). We aim to double the acres managed through green stormwater and related techniques citywide in 10 years, resulting in at least 1,800 acres managed by 2029.

#### **Increase responsiveness to resident requests to 50 percent<sup>xlvii</sup>**

Responding to resident requests in a reasonable timeframe is essential to building effective and inclusive city operations. The City has service level agreements (SLA) in place for most of the issues reported. However, City attainment of these SLAs is not consistent. In 2018, only about 15 percent were resolved within documented SLAs. By 2024, we will respond to 25 percent of service requests within the stated SLA and by 2029, 50 percent will be resolved within the stated SLA.



**Action ID# 34****Create neighborhood scale, distributed green infrastructure projects**

Combined sewer overflow events are triggered when there is more precipitation than the sewage disposal system can handle, which may also cause neighborhood-level flooding. 68 percent of Sustainability Survey respondents indicated that they experience rainfall flooding in their neighborhood that disrupts their daily activity or damages property occasionally, often, or very often. Green stormwater infrastructure can create neighborhood amenities by adding green space to streets and adjacent properties and help manage stormwater by capturing and detaining rainwater, which keeps it out of the city's stormwater system.

In fiscal year 2017, Water and Sewerage invested over \$6 million in green stormwater infrastructure activities. Four Water and Sewerage construction projects reached substantial completion, including Stoepel Park No. 1, Liuzzo Park, transportation corridor projects (joint with Public Works) and Tireman bioswales. Water and Sewerage also initiated two projects with Parks and Recreation (Crowell and O'Shea) which began construction in fall 2017.

We will work with private and public partners to develop neighborhood scale, distributed green stormwater infrastructure projects, focusing on neighborhoods that have high incidents of flooding and limited green space.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	X
Reduced Greenhouse Gases	

**TIMEFRAME:**

Mid-term (3-5 years)

**LEAD:**

Water and Sewerage

**Action ID# 35****Incorporate green stormwater infrastructure into street redesign and greenway projects**

Road surfaces are the largest area of impervious surface in the city and present an opportunity to capture and divert stormwater from the sewer system. Four of seven current bond streetscape projects integrate green infrastructure into their design, implementation, and maintenance.

Building on this work, we will pilot green infrastructure on streetscape projects through incorporating street trees and vegetation into transportation projects whenever possible, with an emphasis on areas with high-flood risk. We will also integrate stormwater best management practices into trail planning

efforts. Green streets guidelines will be incorporated into the City's Transportation Master Plan of Policies to be completed in 2020.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	
Reduced Greenhouse Gases	

#### TIMEFRAME:

Mid-term (3-5 years)

#### LEAD:

Public Works

#### Action ID# 36

#### Integrate climate change impacts into hazard mitigation planning

As Detroit faces a changing climate, natural disasters such as extreme heat and cold events and heavy rainfall are expected to happen more often and with higher intensity. The risks associated with these extreme weather events are not equally distributed across the city, as evidenced by the 2014 floods. The City updates its Federally-mandated Hazard Mitigation Plan every five years to identify actions that will reduce losses caused by disasters, including natural disasters.

As part of the 2020 Hazard Mitigation Plan update, we will integrate information on climate change risks for residents and infrastructure and identify potential mitigation strategies. We will work with all relevant City departments to help them identify the areas where local climate projections can result in substantive policy and programmatic shifts in how departments operate.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	X
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	

Reduced Greenhouse Gases	
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**TIMEFRAME**

Near-term (0-2 years)

**LEAD:**

Emergency Management

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**Action ID# 37****Improve resident access to sustainability-related City services**

Half of the respondents to the City's Sustainability Survey said that City services are somewhat or very difficult to access. There currently is no central location or resource that provides residents with information on all sustainability-related services including recycling, home water and energy efficiency improvements, and vacant lot programs.

We will develop an online portal to streamline access to how-to documents, applications, and digital tools for sustainability-related services. Two resources that will be launched soon are a green infrastructure map and resource guide and a solar feasibility map to help residents and businesses understand the potential for solar on their properties. Physical copies of these materials will also be distributed through community partners and City programs like Motor City Makeover.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

**TIMEFRAME**

Near-term (0-2 years)

**LEAD:**

Sustainability

---

**Action ID# 38****Expand emergency preparedness and communication tools**

A changing climate will bring more intense and frequent natural disasters, like heat waves and flooding, to Detroit. The City will need to ensure that the residents who are most vulnerable to these climate-related risks have important information and sufficient time to act in an emergency situation.

We will review our current emergency notification procedures and evaluate current communication tools, including Nixle, Twilio, and GovDelivery, the Community Emergency Response Team (CERT) training program, and emergency preparedness education. Based on this evaluation, we will develop strategies to reach more vulnerable residents before emergencies through CERT training and emergency preparedness education and during emergencies with communication tools.

#### **CO-BENEFITS**

<b>Co-Benefit</b>	<b>Related to this Action</b>
Job Creation	
Improved Public Safety	<b>X</b>
Improved Public Health	<b>X</b>
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	<b>X</b>
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	

#### **TIMEFRAME**

Mid-term (3-5 years)

#### **LEAD:**

Emergency Management

# Goal 10: Reduce municipal and citywide greenhouse gas emissions

To become a truly green city, we must reduce our greenhouse gas emissions. This includes reducing emissions from city operations as well as emissions from Detroit’s residents and businesses. To do this, we will focus on consistent tracking of our greenhouse gas emissions, identifying targeted actions to address our largest emitting sectors, increasing the use of renewable energy, and ensuring efficient, green buildings operate and are constructed throughout the city.

**CALL OUT BOX/SIDEBAR: Measuring Progress**  
  
**Reduce greenhouse gas emissions<sup>xlviii</sup>**  
In 2012, Detroit’s municipal greenhouse gas emissions were 1.18 million tons of carbon dioxide equivalent (CO<sub>2</sub>e) and community emissions were 10.6 million tons CO<sub>2</sub>e. Our goal, as a signatory of the Chicago Climate Charter, is to reduce community-wide greenhouse gas emissions by 30 percent by 2025 from a 2012 baseline. For municipal emissions, Detroit has a goal to reduce greenhouse gas emissions by 35 percent by 2024 and 75 percent by 2034 from a 2012 baseline.  
  
**Increase solar generation capacity to 10 MW<sup>xlix</sup>**  
A sustainable Detroit means embracing the changing landscape of energy production towards more renewable options. Through the development of solar sites, Detroit can contribute to the local economy with green jobs and reduce greenhouse gas emissions and air pollution. As of April 2019, there was an estimated 3.3 MW of solar capacity in Detroit. Detroit aims to double the total solar generation capacity in the city by 2024 and triple it to 10 MW by 2029.  
  
**Reduce citywide average industrial and commercial energy consumption per square foot by 30 percent<sup>i</sup>**  
Industrial, institutional, and commercial buildings caused 40 percent of all greenhouse gas emissions in Detroit, making them prime candidates for impactful reductions. In 2016, industrial energy consumption was 110 thousand BTUs per square foot and commercial energy consumption was 42 thousand BTUs per square foot. Detroit aims to reduce average industrial and commercial energy consumption by square foot by 10 percent by 2024 and by 30 percent to 29 thousand BTU per square foot by 2029.

[INSERT STREETLIGHTS CALLOUT BOX HERE]

**Action ID# 39****Develop a greenhouse gas assessment and climate action strategy**

Greenhouse gas (GHG) emissions are driving global climate change, and Detroit is committed to contributing its fair share to efforts led by cities around the world in mitigating the impacts of climate change. Under Mayor Duggan's leadership, Detroit is one of more than 400 U.S. cities that have pledged to uphold the Paris Climate Agreement, which is an international commitment to limit global temperature increase to below 2 degrees Celsius. For the U.S., this equates to a 26 to 28 percent reduction in GHG emissions by 2025 from a 2005 baseline.

The City's most recent GHG inventory was completed in 2012 by the University of Michigan School of Environment and Sustainability. At that time, citywide emissions were 10.6 million metric tons (million t) CO<sub>2</sub>e. Municipal emissions were 11 percent of that total, or 1.18 million t CO<sub>2</sub>e. While the City has taken a number of actions to reduce our emissions, such as the conversion of all of our 65,000 streetlights to LEDs, and numerous actions in this agenda will result in lower carbon emissions, we need an overall strategy to achieve our carbon reduction goals.

As a critical first step, we will conduct a new GHG inventory and Business-As-Usual (BAU) forecast of citywide GHG emissions. Based on the inventory, we will develop a quantitative emissions reduction pathway analysis and climate action strategy.

**CO-BENEFITS**

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	X
Reduced Greenhouse Gases	X

**TIMEFRAME:** Near-term (0-2 years)

**LEAD:** Sustainability

**Action ID# 40****Increase the adoption of solar PV**

The city has over 3.3 MW of installed solar, with significant opportunities for an expansion of solar throughout the city. Solar installations have grown between 4 percent and 240 percent annually since 2012, without targeted marketing or promotion. In 2016, in partnership with DTE Energy (DTE), we installed over 6,500 solar panels in O'Shea Park, constituting the largest urban solar installation in the country, generating 2 MW of power, enough to power 450 homes.

We will develop a streamlined solar permitting process in conjunction with DTE. We will publicize existing finance and funding opportunities for integrating solar development into private projects and encourage developers to consider solar PV or other renewable energy technology in new housing and commercial projects. We are also developing a solar potential map that will help property owners and developers

quickly evaluate the opportunity to integrate solar PV into existing and new development projects. Finally, we will evaluate opportunities to install solar PV systems on municipal buildings and facilities to lead by example.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	X

#### TIMEFRAME:

Near (0-2 years)

#### LEAD:

Sustainability

#### Action ID# 41

##### Enhance energy and water efficiency at City-owned facilities

The City of Detroit operates over 150 facilities, including police and fire stations, parking facilities, recreational centers, and office spaces. Currently, 88 facilities track and report their energy usage. These facilities spend approximately \$7.2 million a year on energy. Energy consumption is concentrated heavily among the City's largest facilities, with ten buildings consuming more than half of this energy. We estimate energy efficiency measures could result in \$2.1 million in annual savings at the ten largest facilities and an additional \$860,000 in savings across the remaining facilities. Previous utility bill management efforts identified over \$400,000 in incorrect billing information which went directly back to the City. Energy audits have been conducted at 60 of the largest facilities to identify efficiency opportunities and potential capital upgrades. Recommendations are being integrated into capital improvement projects where feasible.

We will implement both the large efficiency opportunities at the most energy-intensive facilities and the many no- or low-cost efficiency opportunities across all facilities. Beyond the 60 facilities that have already been evaluated, we will collect energy and water data for all City buildings to understand our baseline energy use. For smaller facilities, we will develop a set of standard measures and energy best practices, including LED lighting, low-flow hot water fixtures, and programmable thermostats, which can be implemented at a low cost. Finally, we will implement a utility bill management system to monitor utility bills and flag unexpected usage and cost information for further investigation.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	

Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	X
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	
Reduced Greenhouse Gases	X

**TIMEFRAME:** Near (0-2 years)

**LEAD:** General Services

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#### **Action ID# 42**

##### **Launch Mayors' Challenge Program for Commercial Buildings**

Commercial and institutional buildings accounted for 33 percent of citywide greenhouse gas emissions (GHG) in 2012.<sup>11</sup> As the City invests in efficiency efforts in our own building stock, we will launch a challenge program to encourage private commercial buildings to increase their efficiency and reduce their GHG emissions. Similar Challenge programs in other cities such as Chicago, New York, and Atlanta have achieved significant energy savings in participating buildings.

We will launch a challenge program for large commercial buildings to reduce their energy and water usage by 50 percent by 2030 and to commit to measuring these reductions. Together with the Detroit 2030 District, we will facilitate a peer-to-peer technical assistance group of building owners and managers to share proven and cost-effective energy reduction strategies.

#### **CO-BENEFITS**

<b>Co-Benefit</b>	<b>Related to this Action</b>
Job Creation	
Improved Public Safety	
Improved Public Health	
Increased Utility Efficiency & Affordability	X
Increased Access to Economic Mobility	
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	X
Improved Air Quality	
Reduced Greenhouse Gases	X

**TIMEFRAME:**  
Near (0-2 years)

**LEAD:**  
Sustainability

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#### **Action ID# 43**

##### **Develop an electric vehicle infrastructure strategy**



In 2018, the Environmental Protection Agency declared seven southeast Michigan counties in violation of ozone pollution standards, including Wayne County. Air pollution in Detroit is largely caused by emissions from industrial facilities and motor vehicles. Electric vehicles (EV) offer an opportunity to reduce harmful emissions from the transportation sector, which contribute to local asthma rates and other health issues and climate change.

A collaborative project with DTE Energy has already resulted in pilot charging infrastructure and EV education in Capital Park. We convened government, local utility, and third party stakeholders to identify the roles of each entity in the operation and maintenance of electric vehicle infrastructure in the city. We will work with this group to develop a comprehensive electric vehicle strategy to support and accelerate widespread adoption of clean energy transportation. This will include identifying priority locations for new electric vehicle infrastructure; the necessary upgrades to existing infrastructure to support electric vehicles; and local policies, codes and incentives needed to support adoption.

#### CO-BENEFITS

Co-Benefit	Related to this Action
Job Creation	
Improved Public Safety	
Improved Public Health	X
Increased Utility Efficiency & Affordability	
Increased Access to Economic Mobility	X
Increased Government Efficiency and Transparency	
Improved Food System and Access	
Improved Water/Wastewater Quality and Management	
Improved Air Quality	
Reduced Greenhouse Gases	X

**TIMEFRAME:** Near-Term (0-2 years)

**LEAD:** Sustainability

# Acknowledgements

The Sustainability Action Agenda is the culmination of an incredible amount of hard work and collaboration. Leadership and staff from nearly all City departments and agencies, as well as numerous Detroit residents and community partners, contributed their ideas and expertise to shape the Sustainability Action Agenda.

## City of Detroit Leadership:

Mike Duggan, Mayor

The Honorable Detroit City Council

Sustainability Interdepartmental Workgroup,<sup>1</sup> especially the leadership of

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Ron Brundidge, Director, Public Works

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## Appendix

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## Related Resources

### **Multifamily Affordable Housing Strategy**

*City of Detroit, 2018*

[https://detroitmi.gov/Portals/0/docs/SOTC/Detroit Multifamily Affordable Housing Strategy 2018.pdf](https://detroitmi.gov/Portals/0/docs/SOTC/Detroit_Multifamily_Affordable_Housing_Strategy_2018.pdf)

### **Strategic Plan for Transportation**

*City of Detroit, 2018*

<https://detroitmi.gov/Portals/0/docs/deptoftransportation/DetroitStrategicPlanForTransportation.pdf>

### **Detroit Climate Action Plan**

*Detroiters Working for Environmental Justice, 2017*

[https://detroitenvironmentaljustice.org/wp-content/uploads/2017/11/CAP WEB.pdf](https://detroitenvironmentaljustice.org/wp-content/uploads/2017/11/CAP_WEB.pdf)

### **2017 Parks and Recreation Improvement Plan**

*City of Detroit, 2017*

<https://detroitmi.gov/Portals/0/docs/Parks/2017%20Parks%20and%20Recreation%20Improvement%20Plan.pdf>

### **City of Detroit Greenhouse Gas Inventory**

*University of Michigan Center for Sustainable Systems, 2014*

<http://css.umich.edu/publication/city-detroit-greenhouse-gas-inventory-analysis-citywide-and-municipal-emissions-2011-and>

### **Foundations for Community Climate Action: Defining Climate Change Vulnerability in Detroit**

*University of Michigan Taubman College of Architecture and Urban Planning, 2012*

<https://detroitenvironmentaljustice.org/wp-content/uploads/2017/10/SmClimate-Change-Vulnerability-Detroit-Report-1.pdf>

## Indicator Table

Outcome	Indicator	Baseline	Targets		
			2024	2029	Other
HTP	Increase percent of Residents within a 10-minute walk to a park by 10% by 2024 and 17% by 2029	77%	85%	90%	---
HTP	Increase the number of grocery stores performing well in availability, price and quality of healthful foods	15 of 71 stores	---	---	Increase
HTP	Reduce asthma hospitalization rates by 10% by 2024 and 20% by 2029	41 per 10,000 residents	37 per 10,000 residents	33 per 10,000 residents	---
HTP	Increase average number of good air quality days	288	---	---	Increase
HTP	Increase tree planting in the 20 most vulnerable census tracts	Approximately 500/year	5,000 trees	15,000 trees	---
HTP	Increase the number of Detroiters earning a living wage by 21% by 2024 and 42% by 2029	48%	58%	68%	---
HTP	Increase the share of active city contracts with Minority, Women, and Detroit-Based vendors by 29% by 2024	34%	44%	---	---
AQH	Reduce the number of residents paying more than 30% of their Income for housing, including utilities	48%	---	---	Reduce
AQH	Create new and preserved affordable housing units	610 (new)	10,000 (preserved) 2,000 (new)	---	---
AQH	Reduce water bill cost for low income households	1,100 households	5,000 households	15,000 households	---
AQH	Reduce average residential energy consumption per capita	9.1 MMBtu	8.2 MMBtu	7.3 MMBtu	---
AQH	Increase testing of elevated blood lead levels in children by 56% by 2024 and 213% by 2029	32% of eligible	50% of eligible	Universal	---
AQH	Reduce elevated blood lead levels in children by 43% by 2024 and 57% by 2029	8.8% with EBLL	5% with EBLL	3.8% with EBLL	---

CCN	Increase total acres of productive agricultural land by 82% by 2024 and 203% by 2029	165 acres	300 acres	500 acres	---
CCN	Increase lots in Side Lot Adoption programs by 101% by 2024 and 200% by 2029	12,179	24,500	36,500	---
CCN	Increase recycling and composting diversion rate by 275% by 2024 and 650% by 2029	4%	15%	30%	---
CCN	Reduce citywide auto, pedestrian, and crashes by 21% by 2024	12,900	10,191	---	---
CCN	Reduce share of pedestrian crashes resulting in fatality or serious injury by 20% by 2024	16.8%	13.4%	---	---
CCN	Reduce share of bicyclist crashes resulting in fatality or serious injury by 30% by 2024	4.8%	3.4%	---	---
CCN	Increase AllTransit Performance Score by 12% by 2024 and 22% by 2029	6.8	7.6	8.3	---
CCN	Increase WalkScore by 9% by 2024 and 36% by 2029	55	60	75	---
EGC	Reduce average annual gallons of untreated combined sewer overflow	722 million gallons	---	---	Reduce
EGC	Increase acres managed by green stormwater infrastructure by 100% by 2029	900 Acres	---	1,800 Acres	---
EGC	Increase responsiveness to resident requests by 67% by 2024 and 233% by 2029	15%	25%	50%	---
EGC	Reduce municipal greenhouse gas emissions by 35% by 2024 and 75% by 2034	1.18 m tons CO2e	0.77 m tons CO2e	---	0.29 m tons CO2e by 2034
EGC	Reduce community greenhouse gas emissions by 30% by 2025	10.6 m tons CO2e	---	---	7.95 tons CO2e by 2025
EGC	Increase local solar generation capacity by 100% by 2024 and 203% by 2029	3.3 MW	6.6 MW	10 MW	---

EGC	Reduce industrial and commercial energy consumption per square foot by 10% by 2024 and 30% by 2029	42 MMBtu/sf	37.8 MMBtu/sf	29.4 MMBtu/sf	---
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## Implementation Table

## Engagement by Phase

### Phase 1: Challenges & Opportunities

GOAL: Understand Detroit's key sustainability challenges and opportunities, refine Detroit's definition of Sustainability, and focus the Agenda development process.

#### METHODS:

- *Sustainability Ambassadors*: Hired and trained 14 Sustainability Ambassadors (2 from each district). Ambassadors attended neighborhood meetings, interviewed people they met throughout the city, and identified residents and organizations interested in being a part of the development of the Agenda. The Ambassadors made regular reports on their activities and added specific observations above and beyond questions found on the surveys.
- *Online and Paper Surveys*: Over 1,600 surveys that posed 15 multiple choice, 5 open-ended, and 6 demographic questions were collected. Surveys were available in English, Arabic, Bengali, French, and Spanish. Surveys were distributed at community events, through email and social media, and by Sustainability Ambassadors.<sup>iii</sup>
- *Community Meetings*: Attended over 100 existing community meetings from block clubs to large civic organization gatherings, reaching nearly 2,000 Detroiters.
- *CoUrbanize*: Launched the CoUrbanize site, gaining 155 followers and approximately 230 comments about sustainability challenges and opportunities in neighborhoods.

#### KEY LEARNINGS:

- Housing quality and affordability, specifically utility affordability, are key concerns for residents;
- Residents strongly support green services like recycling and access to renewable energy;
- There is a clear and intense interest in the need for responsiveness and transparency from, and ease of communication with, the City government;
- Safety is a daily consideration of 2/3 of the people surveyed;
- People are concerned about improving air quality; and
- 1 in 3 Detroiters are impacted by urban flooding in their neighborhoods

### Phase 2: Refining Ideas

GOAL: Share what we learned from Phase 1 and gather feedback on preliminary goals, priorities, and potential solutions.

#### METHODS:

1. *Town Halls*: Held 4 town halls throughout the city reaching over 370 Detroiters. Town halls included an overview of survey results from Phase 1, a discussion of the preliminary goals identified, live SMS surveys, and breakout sessions on topics such as equity and how to prioritize specific initiatives to further guide Agenda development.
2. *Practitioner Workshops*: Held practitioner workshops with a total of 51 attendees on 4 topics: Environment and Health, Housing and Neighborhoods, Infrastructure and Open Space, Transportation and Economic Opportunity. These workshops allowed us to learn

from Detroit organizations already advancing sustainability in the city.

3. *CoUrbanize*: 4 specific discussion questions and polls were added to the coUrbanize site. These questions included a question on equity, land use, action prioritization, and personal sustainability commitment. 434 people followed and contributed nearly 1,000 comments.
4. *Sustainability Ambassadors*: Helped publicize and run the town halls, directed residents to continue the conversation on the coUrbanize site, and interviewed residents at events throughout the city on a series of follow up survey questions.

#### KEY LEARNINGS:

- We learned that residents wanted us to more clearly demonstrate how equity is central to our process and the Agenda.
- Transparency was identified as important and we learned that we need to continue to work at keeping our process transparent.
- We realized that we must reach more youth, non-English speaking communities, faith organizations, and Black community groups.
- The Agenda must not leave behind long-time residents of Detroit.
- The Agenda's vision, goals, and actions should be people-centric and specific.

#### Phase 3: Reviewing and Prioritizing

GOAL: Present and gather feedback on refined framework, and reach additional populations underrepresented in our previous engagement.

#### METHODS:

1. *Focus Groups*: Held focus groups of approximately 17 people each to reach under-represented groups: Arabic speaking, Spanish speaking, Black-led organizations and Faith-Based organizations. Sessions were designed as intimate discussions of the draft Agenda material for targeted feedback. Additionally, we met with four existing youth groups to discuss sustainability topics more generally.
2. *Practitioner Workshops*: Reconvened practitioner workshops with a total of 53 attendees on 4 topics: Environment and Health, Housing and Neighborhoods, Infrastructure and Open Space, Transportation and Economic Opportunity. Refined potential initiatives to provide guidance on prioritization, design, and implementation.
3. *CoUrbanize*: 7 specific discussion questions and polls were added to the coUrbanize site. These questions included a question on desired free resources, staying connected with the Office of Sustainability, engagement process to date, reactions to survey results, how to build trust, personal sustainability commitment, and general comments. The site reached 508 followers with 1,214 comments.
4. *Text Your Feedback Initiative*: 16 yard signs were deployed throughout the city to allow residents to interact with the process through SMS messaging. Signs included the following topics: Vacant land challenges, flooding challenges, housing expenses, signing up for project updates, making Detroit more sustainable.
5. *Sustainability Ambassadors*: Each Ambassador attended at least 3 community meetings, energy workshops, block clubs or other events throughout their districts and collected responses to short surveys in a 1-on-1 setting. They attended 39 events, reached 869

individual, and collected over 80 surveys.

**KEY LEARNINGS:**


- We continued to hear that we were on the right track and there was appreciation for the level of engagement.
- A common concern across all demographics was around accountability. There is a clear need to make sure accountability is clear and trackable in the Agenda.
- We learned that we needed to make the vision easier to interpret and understand.
- Equity and its integration into the Agenda, continued to be an important consideration for residents
- It was identified that we needed to articulate our guiding principles clearly.

## Glossary

Full Name	Shortened Name
Buildings, Safety Engineering and Environmental Department	Buildings and Safety
City Planning Commission	Planning Commission
Civil Rights, Inclusion, and Opportunity Department	Civil Rights
Construction and Real Estate Team	Construction
Department of Human Resources	Human Resources
Department of Innovation and Technology	Technology
Department of Neighborhoods	Neighborhoods
Department of Public Safety	Public Safety
Department of Public Works	Public Works
Detroit Building Authority	Building Authority
Detroit Department of Transportation	Transportation
Fire Department	Fire
Health Department	Health
Homeland Security and Emergency Management	Emergency Management
Detroit Land Bank Authority	Land Bank
Law Department	Law
Parks and Recreation Department	Parks and Recreation
Detroit Public Schools Community District	Public Schools
Mayor's Workforce Team/ Detroit Employment Solutions Corp.	Workforce
General Services Department	General Services
Housing and Revitalization Department	Housing
LEAN Office	LEAN
Office of Contract Procurement	Procurement
Office of Mobility Innovation	Mobility
Office of Sustainability	Sustainability
Office of the Chief Financial Officer	Chief Financial Officer
Planning and Development Department	Planning
Police Department	Police
Water and Sewerage Department	Water and Sewerage

## End Notes

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- <sup>i</sup> Procedural, distributional, structural, and transgenerational equity as defined by the Urban Sustainability Directors Network Equity Foundations Training: <https://www.usdn.org/public/page/55/Equity-Foundations-Training>
- <sup>ii</sup> CDC, <https://www.mdch.state.mi.us/pha/osr/InDxMain/Tab5.asp>
- <sup>iii</sup> [https://www.michigan.gov/documents/mdhhs/Detroit-AsthmaBurden\\_516668\\_7.pdf](https://www.michigan.gov/documents/mdhhs/Detroit-AsthmaBurden_516668_7.pdf)
- <sup>iv</sup> BLS
- <sup>v</sup> <https://www.detroitnews.com/story/business/2018/11/08/labor-statistics-unemployment-rate-detroit-lower/1932604002/>
- <sup>vi</sup> [https://docs.google.com/spreadsheets/d/1nwQSX8123GRdhONKeajAm4d5\\_THfPjHfZjqbzy5fkMQ/edit#gid=789218252](https://docs.google.com/spreadsheets/d/1nwQSX8123GRdhONKeajAm4d5_THfPjHfZjqbzy5fkMQ/edit#gid=789218252)
- <sup>vii</sup> <https://maps.semcog.org/PavementCondition/>
- <sup>viii</sup> <https://data.detroitmi.gov/Transportation/Traffic-Crashes/9fph-m2jv>
- <sup>ix</sup> <https://alltransit.cnt.org/metrics/?addr=Detroit%2C+MI#map>
- <sup>x</sup> [https://www.michigan.gov/documents/deq/wrd-cso-sso-rtb-2017-annual-report\\_641875\\_7.pdf](https://www.michigan.gov/documents/deq/wrd-cso-sso-rtb-2017-annual-report_641875_7.pdf)
- <sup>xi</sup> [http://qlisa.umich.edu/media/files/projects/DCAC/DCAC\\_Climate\\_Impacts.pdf](http://qlisa.umich.edu/media/files/projects/DCAC/DCAC_Climate_Impacts.pdf)
- <sup>xii</sup> [https://www.michigan.gov/documents/mdhhs/Detroit-AsthmaBurden\\_516668\\_7.pdf](https://www.michigan.gov/documents/mdhhs/Detroit-AsthmaBurden_516668_7.pdf)
- <sup>xiii</sup> Katrina to Add
- <sup>xiv</sup> Detroit Food Map Initiative
- <sup>xv</sup> Katrina to Add
- <sup>xvi</sup> Katrina to Add
- <sup>xvii</sup> Katrina to Add
- <sup>xviii</sup> Pg.23, <http://caphedetroit.sph.umich.edu/wp-content/uploads/2016/10/Resource-Manual-5.0-Pollutant-sources-Website-Version-10-4-16.pdf>
- <sup>xix</sup> CAPHE Public Health Action Plan, 2017
- <sup>xx</sup> Katrina to Add
- <sup>xxi</sup> The City of Detroit defines living wage as 125% of the federal poverty level for a family of four; or one hundred percent (100%) of the federal poverty level for a family of four if health benefits are provided to the employee.
- <sup>xxii</sup> Katrina to Add
- <sup>xxiii</sup> Table S0201, **SELECTED POPULATION PROFILE IN THE UNITED STATES** 
- 2017 American Community Survey 1-Year Estimates**
- <sup>xxiv</sup> American Community Survey 2016 5-year Estimates, Table DP04
- <sup>xxv</sup> Katrina to Add
- <sup>xxvi</sup> Katrina to Add
- <sup>xxvii</sup> Katrina to Add
- <sup>xxviii</sup> Katrina to Add
- <sup>xxix</sup> <https://www.circleofblue.org/waterpricing/>
- <sup>xxx</sup> <https://detroitmi.gov/departments/water-and-sewerage-department/bill-assistance-and-credits/blue-ribbon-panel-affordability>
- <sup>xxxi</sup> Katrina to Add
- <sup>xxxii</sup> Katrina to Add
- <sup>xxxiii</sup> Katrina to Add
- <sup>xxxiv</sup> <http://detroitagriculture.net/garden-resource-program-2/policy-support-for-urban-growers/>
- <sup>xxxv</sup> Katrina to Add
- <sup>xxxvi</sup> Katrina to Add
- <sup>xxxvii</sup> Katrina to Add
- <sup>xxxviii</sup> Katrina to Add
- <sup>xxxix</sup> Katrina to Add
- <sup>xl</sup> <https://alltransit.cnt.org/fact-sheet/>
- <sup>xli</sup> Katrina to Add
- <sup>xlii</sup> <https://www.walkscore.com/methodology.shtml>

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xliii <https://www.wearestillin.com/>

xliv <https://detroitenvironmentaljustice.org/climate-action-plan/>

xlv Katrina to Add

xlvi Katrina to Add

xlvii Katrina to Add

xlviii Katrina to Add

xlix Katrina to Add

l Katrina to Add

li City of Detroit Greenhouse Gas Inventory, pg. 81

lii Data available at [data.detroitmi.gov](https://data.detroitmi.gov) and summary results available here:

[https://res.cloudinary.com/courbanize-production/image/upload/v1/information\\_plans/i2njhtfvnebsciygmot](https://res.cloudinary.com/courbanize-production/image/upload/v1/information_plans/i2njhtfvnebsciygmot)



**Whereas**, Mayor Duggan created the City's first Office of Sustainability in 2017 to coordinate and lead the City's sustainability initiatives, joining other major cities around the world in demonstrating their commitment to advancing economic, environmental, and social sustainability through strategic investments and initiatives.

**Whereas**, a need was identified for a strategic roadmap to advance the economic, environmental, and social sustainability of the city of Detroit

**Whereas**, over the last year, the Office of Sustainability has interacted with over 6,800 Detroiters to understand their vision for a more equitable, prosperous, and environmentally sustainable city'

**Whereas**, the framework of sustainability has the opportunity to help address many of the long standing issues in our city including the health of residents, economic opportunity, waste disposal, getting around the city, and the impacts of extreme weather

**Whereas**, Mayor Duggan through the Chicago Climate Charter committed our city to the tenants of the Paris Climate Accords which calls for an approximate 30% reduction of greenhouse gas emissions by 2025 from a 2005 baseline

**Whereas**, this Sustainability Action Agenda contains 4 outcomes, 10 goals, and 43 individual actions or initiatives that, when completed, will significantly accelerate our progress towards becoming a more healthy, green, affordable, livable city for all Detroiters

**Resolved**, to support the initiatives outlined in the Sustainability Action Agenda through funding, legislation, or other means in our power.



CITY OF DETROIT  
OFFICE OF THE CHIEF FINANCIAL OFFICER  
OFFICE OF DEVELOPMENT AND GRANTS

55  
COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVENUE, SUITE 1026  
DETROIT, MICHIGAN 48226  
PHONE: 313 • 628-2158  
FAX: 313 • 224 • 0542  
WWW.DETROITMI.GOV

May 22, 2019

The Honorable Detroit City Council  
**ATTN: City Clerk Office**  
200 Coleman A. Young Municipal Center  
Detroit MI 48226

**RE: Request to Accept and Appropriate the FY 2019 Comprehensive Agreement,  
Vector-Borne Surveillance and Prevention Program**

The Michigan Department of Health and Human Services (MDHHS) has awarded the City of Detroit Health Department with a new project under the FY 2019 Comprehensive Agreement, Vector-Borne Surveillance and Prevention Program for a total of \$8,125.00. There is no match requirement. The total project cost is \$8,125.00. The grant period is October 1, 2018 through September 30, 2019.

The objective of the grant is to support the Health Department's Vector-Borne Disease Surveillance and Prevention initiative. The funding allotted to the department will be utilized to hire an intern, pay for travel, and pay for educational material. This is a reimbursement grant.

If approval is granted to accept and appropriate this funding, the appropriation number is 20659.

I respectfully ask your approval to accept and appropriate funding in accordance with the attached resolution.

Sincerely,

Ryan Friedrichs  
Director, Office of Development and Grants

CC:  
Katerli Bounds, Deputy Director, Grants  
Sajjiah Parker, Assistant Director, Grants

This Request has been approved by the Office of Budget.  
This Request has been approved by the Law Department.

CITY CLERK 2019 JUN 5 AM 9:04

CITY CLERK 2019 JUN 5 AM 9:04

**RESOLUTION**

**Council Member** \_\_\_\_\_

**WHEREAS**, the Detroit Health Department is requesting authorization to accept a grant of reimbursement from the Michigan Department of Health and Human Services (MDHHS), in the amount of \$8,125.00, to support the Health Department's Vector-Borne Surveillance and Prevention initiative; and

**WHEREAS**, this request has been approved by the Law department; and

**WHEREAS**, this request has been approved by the Office of Budget; now

**THEREFORE, BE IT RESOLVED** that the Director or Head of the Department is authorized to execute the grant agreement on behalf of the City of Detroit, and

**BE IT FURTHER RESOLVED**, that the Budget Director is authorized to establish Appropriation number 20659 in the amount of \$8,125.00, for a new project under the FY 2019 Comprehensive Agreement, Vector-Borne Surveillance and Prevention Program.

## Fwd: MDHHS Local Health Department - 2019 Amendments

Timothy Lawther

Thu 4/25/2019 4:00 PM

To: Valentina Djelaj <DjelajV@detroitmi.gov>; Joseph Mutebi <mutebij@detroitmi.gov>; Angelique Rodriguez <rodriguez-edgea@detroitmi.gov>

[Get Outlook for Android](#)

---

**From:** Reece, Carissa (DHHS) <ReeceC@michigan.gov>  
**Sent:** Thursday, April 25, 2019 3:58:39 PM  
**To:** Joneigh Khaldun; Joseph Mutebi; Timothy Lawther  
**Subject:** MDHHS Local Health Department - 2019 Amendments

04/25/2019

Jean Ingersoll,  
Detroit Health Department  
City Treasurer  
1151 Taylor Ste 333-CDetroit, MI 48202 1732

Dear Jean Ingersoll:

The following lists the FY 2019 amendments for your organization for funding administered by the Michigan Department of Health and Human Services (MDHHS) through the Comprehensive Agreement. All projects must be budgeted and expended consistent with the requirements contained in your Comprehensive Agreement.

### Amendment List

#### i-a. Allocation Changes – Existing Projects

Project Title	Current Amount	Amended Amount	New Project
Childhood Lead Poisoning Prevention	273,750.00	-100,000.00	173,750.00
Hepatitis A Response	5,000.00	120,000.00	125,000.00
Public Health Emergency Preparedness (PHEP) 10/1/17 - 6/30/18	160,785.00	1,229.00	162,014.00
Public Health Emergency Preparedness (PHEP) CRI 10/1/17 - 6/30/18	176,916.00	17,205.00	194,121.00
<b>TOTAL</b>	<b>616,451.00</b>	<b>38,434.00</b>	<b>654,885.00</b>

## i-b. New Allocation – New Projects

Project Title	Current Amount	Amended Amount	New Project
Immunization Fixed Fees	0.00	0.00	0.00
Local Health Opioid Response	0.00	40,000.00	40,000.00
Vector-Borne Surveillance & Prevention	0.00	8,125.00	8,125.00
<b>TOTAL :</b>	<b>0.00</b>	<b>48,125.00</b>	<b>48,125.00</b>

## ii. Budget Category changes

Project Title
Children's Special Hlth Care Services (CSHCS) Care Coordination
Children's Special Hlth Care Services (CSHCS) Outreach & Advocacy
CSHCS Medicaid Elevated Blood Lead Case Mgmt
General Communicable Disease ELPHS
Hearing ELPHS
HIV & STD Testing and Prevention
HIV Data to Care
Immunization ELPHS
Sexually Transmitted Disease (STD-ELPHS)
Vision ELPHS
WIC Breastfeeding

Next Steps

The next steps in the MI E-Grants system for amending your applications and budgets and submitting your Comprehensive Agreement Amendment for MDHHS approval are as follows:

1. The project manager will assign the agency users to any new Local Health Department - 2019 projects.
2. For your convenience you can access the "Comprehensive Agreement Training for Grantee" material on the home page by clicking "About EGrAMS" and downloading the PDF. Access the system using the URL: <http://eqrams-mi.com/dch/>
3. Login into MI E-Grants system.
4. Enter the application using the drop down menu's "Grantee>Grant Application>Enter Grant Application" and click on "Go".
5. Select the CO-2019/Local Health Department - 2019 program and click the "Go" button.
6. Select the hyperlink titled "Local Health Department - 2019".
7. Select hyperlink to various projects and amend the application sections. See page 59 for detailed instructions.
8. When the amended application has been entered, validated, and is error free it is ready for submission by the authorized official

Additional Documents

To view your original and amended agreement use the drop-down menu's "Grantee> Project Director> Application Status" and click the 'Go' button. Select the Grant Program and click on the 'Find' button. Select the agreement from the dropdown menu located at the bottom of the screen. "Draft" is the pending amendment. Click on the 'View Contract' to access the selected agreement.

#### Technical Assistance

Technical assistance to complete the requested Grant Amendment is available through the Grants Section Help Desk at [MDHHS-EGRAMS-HELP@michigan.gov](mailto:MDHHS-EGRAMS-HELP@michigan.gov) or 517-335-3359. For Programmatic questions, please contact your MDHHS Program Coordinator. You may also refer to your training materials and the yellow book and help icons within MI E-Grants for assistance.

Please complete the requested updates and have your Authorized Official submit the amended Grant Agreement through MI E-Grants within two weeks.

Please feel free to contact me with any questions or concerns.

Thank you,  
Carissa

Carissa Reece  
Departmental Analyst, Grants Section  
Department of Health & Human Services  
517.335.0940 | [ReeceC@michigan.gov](mailto:ReeceC@michigan.gov)

#### CONFIDENTIALITY NOTICE:

The information contained in this message may be privileged and confidential, and is intended only for use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited, and may be subject to civil and/or criminal penalties. If you received this communication in error, please notify us immediately, delete it from your computer and destroy any copies of the original message. Thank you.

**Attachment B.2**  
**Page 1 of 2**

<b>Program</b> Vector-Borne Disease Surveillance and Prevention Grant		<b>Budget Period</b>		<b>Date Prepared</b>
		<b>FROM:</b>	<b>TO:</b>	
		2/1/2019	9/30/2019	4/30/2019
<b>Local Agency</b> Southeastern Michigan Health Association 3011 W. Grand Blvd. Suite 200 Detroit MI 48202		<b>ORIGINAL BUDGET</b>	<b>AMENDED BUDGET X</b>	<b>AMENDMENT NUMBER 1</b>
		Payee ID Number		
<b>EXPENDITURE CATEGORY</b>				<b>TOTAL BUDGET</b>
1. Salaries and Wages				4,750
2. Fringe Benefits				489
3. Travel				700
4. Supplies and Materials				400
5. Contractual (Subcontracts)				0
6. Equipment				250
7. Other Expenses:				400
<b>8. Total Direct Expenditures</b> (Sum of Lines 1-7)				<b>6,989</b>
9. Indirect Costs: Rate #1 SEMHA 5.00%				349
Indirect Costs: Rate #2 DHD 23.00%				786
10. Other Cost Distributions				
<b>11. TOTAL EXPENDITURES</b> (Sum of Lines 8-10)				<b>8,124</b>
<b>SOURCE OF FUNDS: CPBC (State)</b>				
12. Fees and Collections				
13. State Agreement				8,125
14. Local				
15. Federal				
16. Other(s):				
<b>17. TOTAL FUNDING</b> (Sum of Lines 12-16)				<b>8,125</b>
<b>AUTHORITY:</b> P.A. 368 of 1978		The Department of Community Health is an equal opportunity		
<b>COMPLETION:</b> Is Voluntary, but is required as a condition of funding		employer services and programs provider		
DCH-0385(E) (Rev 6-02) (W) Previous Edition Obsolete Also Replaces FIN-110				

**MICHIGAN DEPARTMENT OF COMMUNITY HEALTH  
PROGRAM BUDGET - COST DETAIL**

Attachment B.2  
Page 2 of 2

- Use **WHOLE DOLLARS** Only

<b>Program</b> Vector-Borne Disease Surveillance and Prevention Grant		<b>BUDGET PERIOD</b>		<b>Date Prepared</b> 4/30/2019
		<b>From:</b> 02/01/19 <b>ORIGINAL BUDGET</b>	<b>To:</b> 09/30/19 <b>AMENDED BUDGET</b> X	
<b>Local Agency</b> Southeastern Michigan Health Association				<b>AMENDMENT NUMBER</b> 1
<b>1. SALARIES &amp; WAGES:</b>	<b>POSITIONS REQUIRED (FTEs)</b>	<b>ANNUAL SALARY</b>	<b>MONTHS ON BUDGET</b>	<b>BUDGET SALARY</b>
POSITION DESCRIPTION - EMPLOYEE				
TOTAL FTEs 0.00		1. TOTAL SALARIES 0		
<b>2. FRINGE BENEFITS: (Specify)</b>				
<input checked="" type="checkbox"/> FICA	<input checked="" type="checkbox"/> HOSPITAL	<input checked="" type="checkbox"/> VISION	<input checked="" type="checkbox"/> WORKERS	Composite Rate 42.00%
<input checked="" type="checkbox"/> UNEMPLOYMENT	<input checked="" type="checkbox"/> TERM LIFE	<input type="checkbox"/> HEARING	<input type="checkbox"/> OTHER	
<input checked="" type="checkbox"/> RETIREMENT	<input checked="" type="checkbox"/> DENTAL	2. TOTAL FRINGE BENEFITS: 0		
<b>1a. SALARIES &amp; WAGES:</b>	<b>POSITIONS REQUIRED (FTEs)</b>	<b>ANNUAL SALARY</b>	<b>MONTHS ON BUDGET</b>	<b>BUDGET SALARY</b>
POSITION DESCRIPTION - EMPLOYEE				
Intern or Staff Support		1.00	19,656	3
TOTAL FTEs 1.00		1. TOTAL SALARIES 4,750		
<b>2a. FRINGE BENEFITS: (Specify)</b>				
<input checked="" type="checkbox"/> FICA	<input type="checkbox"/> HOSPITAL	<input type="checkbox"/> VISION	<input checked="" type="checkbox"/> WORKERS	Composite Rate 10.30%
<input type="checkbox"/> UNEMPLOYMENT	<input type="checkbox"/> TERM LIFE	<input type="checkbox"/> HEARING	<input type="checkbox"/> OTHER	
<input type="checkbox"/> RETIREMENT	<input type="checkbox"/> DENTAL	2. TOTAL FRINGE BENEFITS: 489		
<b>3. TRAVEL: (Specify if any item exceeds 10% of Total Expenditures)</b>				
				<b>Amount</b>
Mileage				700
3. TOTAL TRAVEL:				700
Salary total				4,750
Fringe total				489
<b>4. SUPPLIES &amp; MATERIALS: (Specify if any item exceeds 10% of Total Expenditures)</b>				
				<b>Amount</b>
Supplies				400
4. TOTAL SUPPLIES & MATERIALS:				400
<b>5. CONTRACTUAL: (Subcontracts)</b>				
<b>Name</b>		<b>Address</b>		<b>Amount</b>
5. TOTAL CONTRACTUAL:				0
<b>6. EQUIPMENT: (Specify)</b>				
				<b>Amount</b>
equipment				300
equipment and supplies				
6. TOTAL EQUIPMENT:				250
<b>7. OTHER EXPENSES: (Specify if any item exceeds 10% of Total Expenditures)</b>				
<b>Others (explain):</b>				<b>Amount</b>
materials and advertising				400
7. TOTAL OTHER EXPENSES:				400
<b>8. TOTAL DIRECT EXPENDITURES: (Sum of Totals 1-7)</b>				
				6,989
<b>9. INDIRECT COST CALCULATIONS:</b>				
				<b>Amount</b>
Rate #1	SEMHA BASE \$	6,989	x rate 5.00%	= 349
Rate #2	DHD BASE \$	5,239	x rate 15.00%	= 786
9. TOTAL INDIRECT EXPENDITURES:				1,135
<b>10. TOTAL ALL EXPENDITURES: (Sum of lines 8-9)</b>				
				8,125
AUTHORITY: P.A. 368 of 1978				
COMPLETION: Is Voluntary, but is required as a condition of funding				
DCH-0386(E) (Rev. 9-04) (EXCEL) Previous Edition Obsolete				
The Department of Community Health is an equal opportunity employer, services and programs provider				
Use Additional Sheets as Needed				



56



# City of Detroit

CITY COUNCIL

**MARY SHEFFIELD**  
COUNCIL PRESIDENT PRO TEM  
DISTRICT 5

## MEMORANDUM

**TO:** Lawrence Garcia, Corporation Counsel, Law Department  
**FROM:** Council President Pro Tem Mary Sheffield *MS*  
**THRU:** Council Member Benson, Chair, Public Health and Safety Committee  
**DATE:** June 6, 2019  
**RE:** Surveillance Technology Ordinance

This is to request that Corporation Counsel review for consideration and approval as to form the Surveillance Technology Ordinance. Please see the attached document.

**CC:** Honorable Colleagues  
City Clerk

Coleman A. Young Municipal Center 2 Woodward Ave., Suite 1340 Detroit, Michigan 48226  
(313) 224-4505 Fax (313) 224-0367  
CouncilMemberSheffield@detroitmi.gov

## SUMMARY

This proposed ordinance amends Chapter 43 of the 1984 Detroit City Code, Police, by amending Article II, Police Department, to add Division 3, Community Input Over Government Surveillance; Sections 43-2-31 through 43-2-47; to define essential terms, to mandate City Council approval for surveillance technology acquisitions, to disclose to City Council use policies for surveillance technology prior to review for procurement, to provide standards for such surveillance use policies, to require an annual report from relevant municipal agencies to City Council of all new acquisitions of surveillance technology, to require an annual report from relevant municipal agencies to City Council of government surveillance activities, to establish a public reporting system for government surveillance procurements, to prohibit certain problematic contractual provisions, and to set an effective date for all underlying provisions of the ordinance.

BY COUNCIL MEMBER :

AN ORDINANCE to amend Chapter 43 of the 1984 Detroit City Code, Police, by amending Article II, Police Department, to add Division 3, Community Input Over Government Surveillance; Sections 43-2-31 through 43-2-47; to define essential terms, to mandate City Council approval for surveillance technology acquisitions, to disclose to City Council use policies for surveillance technology prior to review for procurement, to provide standards for such surveillance use policies, to require an annual report from relevant municipal agencies to City Council of all new acquisitions of surveillance technology, to require an annual report from relevant municipal agencies to City Council of government surveillance activities, to establish a public reporting system for government surveillance procurements, to prohibit certain problematic contractual provisions, and to set an effective date for all underlying provisions of the ordinance.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1: That Chapter 43 of the 1984 Detroit City Code, Police, Article II, Police Department, be amended as follows:

#### CHAPTER 43. POLICE

#### ARTICLE II. – POLICE DEPARTMENT

#### DIVISION 3. – COMMUNITY INPUT OVER GOVERNMENT SURVEILLANCE

##### **Sec. 43-2-31. - Definitions.**

For the purpose of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Surveillance data” means any electronic data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by surveillance technology.

“Surveillance technology” means any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, or similar information or communications specifically associated

with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.

(a) Surveillance technology includes, but is not limited to:

- (1). International mobile subscriber identity (IMSI) catchers and other cell site simulators;
- (2). Automatic license plate readers;
- (3). Electronic toll readers;
- (4). Closed-circuit television cameras;
- (5). Biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases;
- (6). Mobile DNA capture technology;
- (7). Gunshot detection and location hardware and services;
- (8). X-ray vans;
- (9). Video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras;
- (10). Surveillance enabled or capable lightbulbs or light fixtures;
- (11). Tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network;
- (12). Social media monitoring software;
- (13). Through-the-wall radar or similar imaging technology,
- (14). Passive scanners of radio networks,
- (15). Long-range Bluetooth and other wireless-scanning devices,
- (16). Radio-frequency I.D. (RFID) scanners, and
- (17). Software designed to integrate or analyze data from Surveillance Technology, including but not limited to remote video and/or audio monitoring, social media monitoring, surveillance target tracking, and predictive policing software.

(b) Surveillance technology does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined in Sec. 43-2-3(a):

- (1). Routine office hardware, such as televisions, computers, and printers, that is in widespread public use and will not be used for any surveillance or surveillance-related functions;
- (2). Parking Ticket Devices (PTDs);
- (3). Cell phones;
- (4). Manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings;
- (5). Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles;
- (6). Municipal agency databases that do not and will not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology; and
- (7). Manually-operated technological devices that are used primarily for internal municipal agency communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems.

**Sec. 43-2-32.** – City Council approval of all surveillance technology procurements; approval and disclosure of Surveillance Use Policies.

(a) All municipal agencies, including without limitation the Detroit Police Department, must obtain City Council approval, pursuant to Section 4-122 of the City Charter, subsequent to a properly-noticed public hearing, prior to engaging in any of the following:

- (1) Seeking funds for the procurement of a surveillance technology not previously approved by the City Council, including but not limited to applying for a grant, soliciting or accepting other local, state, or federal funding for new surveillance technology, or soliciting or accepting in-kind or other donations of or for new surveillance technology;

- (2) Acquiring or borrowing a surveillance technology not previously approved by the City Council, whether or not that procurement is made through the exchange of monies or other consideration; or
- (3) Using new or existing surveillance technology for a purpose or in a manner not previously approved by the City Council pursuant to a Sec. 43-2-33 Surveillance Use Policy, the terms of which constitute a necessary precondition for approving the procurement of a surveillance technology pursuant to this ordinance.
- (b) All applicable Surveillance Use Policies associated with a surveillance technology shall be approved by City Council concurrently with the approval of the procurement of any surveillance technology not previously approved by the Detroit City Council.
- (c) Proposed Surveillance Use Policies shall be made available to the public, at a designated page on the City of Detroit website, and, in the case of the Detroit Police Department also to the Board of Police Commissioners, at least 30 days prior to the public hearing, and final versions of approved Surveillance Use Policies shall be made available to the public for as long as the related surveillance technology remains in use by or in the possession of the municipal agency.
- (d) The City Council shall only approve a request to fund, acquire, or use a surveillance technology if it determines the benefits of the surveillance technology outweigh its costs, that the proposal will safeguard civil liberties and civil rights, and that the uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or group.
- (e) Permission to acquire or use a new make or model of a surveillance technology does not have to be sought where its functionality and capabilities do not differ in any significant way from a previously approved version of the same surveillance technology.

**Sec. 43-2-33. - Surveillance Use Policies.**

A Surveillance Use Policy, the contents of which shall constitute an enumeration of legally enforceable preconditions for the approval of any surveillance procurement by the City Council, shall be a publicly-released written report that includes, at a minimum, the following:

- (a) Description: Information describing the surveillance technology and its capabilities;
- (b) Purpose: What specific purpose(s) the surveillance technology is intended to advance.
- (c) Deployment: If the surveillance technology will not be uniformly deployed or targeted throughout the city, what factors will be used to determine where the technology is deployed or targeted;
- (d) Fiscal Impact: The fiscal impact of the surveillance technology; and
- (e) Civil Rights/Liberties Impacts: An assessment identifying with specificity:
  - (1) Any potential adverse impacts the surveillance technology, if deployed, might have on civil liberties and civil rights; and
  - (2) What specific, affirmative measures will be implemented to safeguard the public from the potential adverse impacts identified pursuant to Sec. 43-2-33(e)(1).
- (f) Authorized Use: For what specific capabilities and uses of the surveillance technology is authorization being sought, and
  - (1) What legal and procedural rules will govern each authorized use;
  - (2) What potential uses of the surveillance technology will be expressly prohibited, such as the warrantless surveillance of public events and gatherings;
  - (3) Who, by employment category or position, will be authorized to operate the technology and/or access its data;
  - (4) How and under what circumstances will surveillance data that was collected, captured, recorded, or intercepted by the surveillance technology be analyzed and reviewed.
- (g) Data Collection:
  - (1) What types of surveillance data will be collected, captured, recorded, intercepted, or retained by the surveillance technology;
  - (2) What surveillance data may be inadvertently collected during the authorized uses of the surveillance technology, and what measures will be taken to minimize the inadvertent collection of data; and

(3) How inadvertently collected surveillance data will be expeditiously identified and deleted.

(h) Data Protection: What safeguards will be used to protect surveillance data from unauthorized access, including encryption and access control mechanisms.

(i) Data Retention: Insofar as the privacy of the public can be severely compromised by the long-term storage of mass surveillance data, what rules and procedures will govern the retention of surveillance data, including those governing:

(1) For what limited time period, if any, surveillance data will be retained. Such information shall include a statement explaining why the designated retention period is no greater than that which is absolutely necessary to achieve the specific purpose(s) enumerated in the Surveillance Use Policy;

(2) What specific conditions must be met to retain surveillance data beyond the retention period stated in Sec. 43-2-33(i)(1);

(3) By what process surveillance data will be regularly deleted after the retention period stated in Sec. 43-2-33(i)(1) elapses and what auditing procedures will be implemented to ensure data is not improperly retained;

(j) Surveillance Data Sharing: If a municipal agency is seeking authorization to share access to surveillance technology or surveillance data with any other governmental agencies, departments, bureaus, divisions, or units, or non-governmental persons or entities in the absence of a judicial warrant or other legal mandate, it shall detail:

(1) Which governmental agencies, departments, bureaus, divisions, or units, or non-governmental persons or entities will be approved for (i) surveillance technology sharing, and for (ii) surveillance data sharing;

(2) How such sharing is necessary for the stated purpose and use of the surveillance technology;

(3) How it will ensure any entity sharing access to the surveillance technology or surveillance data complies with the applicable Surveillance Use Policy and does not further disclose the surveillance data to unauthorized persons and entities; and

(4) What processes will be used to seek City Council approval of future surveillance technology or surveillance data sharing agreements.



(k) Demands for Access to Surveillance Data: What legal standard must be met by government entities or third parties seeking or demanding access to surveillance data.

(l) Auditing and Oversight: What mechanisms will be implemented to ensure the Surveillance Use Policy is followed, including what independent persons or entities will be given oversight authority, if and how regular audits will be conducted, and in the case of the Detroit Police Department, also how the Board of Police Commissioners will be involved in the auditing and oversight process.

(m) Training: What training requirements will be required in connection with the use of the surveillance technology. What qualifications and special skills will be required of persons authorized to use the surveillance technology.

(n) Complaints: What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific surveillance technology, and how the municipal agency will ensure each question and complaint is responded to in a timely manner.

**Sec. 43-2-34. - Annual report of surveillance technology acquisition.**

(a) By March 31st of each year, any municipal agency using a surveillance technology approved pursuant to this ordinance must submit to City Council and, in the case of the Detroit Police Department also to the Board of Police Commissioners, and make available on its public website, an Annual Surveillance Technology Acquisition Report.

(b) The Annual Surveillance Technology Acquisition Report shall include the following information for the previous calendar year:

(1) The total dollar value of all contracts associated with procurement of new surveillance technology;

(2) The total number of contracts entered into for the procurement of new surveillance technology;

(3) The number of occasions where surveillance technology was acquired temporarily from other jurisdictions or entities, as well as the name(s) of the applicable jurisdiction(s) or entity(s).

**Sec. 43-2-35. – Annual report of government surveillance activities; requirements.**

- (a) Any municipal agency using a surveillance technology approved pursuant to this ordinance must submit to City Council and, in the case of the Detroit Police Department also to the Board of Police Commissioners, and make available on its public website by March 31st of each year, an Annual Surveillance Report for each specific surveillance technology used at any time during the previous calendar year.
- (b) The Annual Surveillance Report shall, at a minimum, include the following information for the previous calendar year:
  - (1) A brief summary of how the surveillance technology collected data;
  - (2) The total number of hours the surveillance technology was used;
  - (3) The total number of incidents for which the surveillance technology was used;
  - (4) How many times surveillance data from the surveillance technology was shared with external entities, the name(s) of all recipient entities, unless disclosing such information would disrupt the operation of a valid, confidential agreement between or among law enforcement agencies, the type(s) of data disclosed, and the general reason for the disclosure(s);
  - (5) How many times surveillance data was acquired from external entities the name(s) of all entities sharing surveillance data, the type(s) of data acquired, and the general reason for acquisition.
  - (6) Where applicable, a breakdown of where the surveillance technology was deployed geographically, by individual census tract as defined in the relevant year by the United States Census Bureau. For each census tract, the municipal agency shall report how many individual days the surveillance technology was deployed.
  - (6) The length of time surveillance technology was used to monitor internet activity, as well as the number of specifically targeted people who were monitored.
  - (7) A summary of complaints or concerns that were received about the surveillance technology;
  - (8) The results of any internal audits, any information about violations of the applicable Surveillance Use Policies, and any actions taken in response; and

(9) Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what sources of funding will fund the technology in the next fiscal year.

(c) Within 45 days of submitting and publicly releasing an Annual Surveillance Report pursuant to this Section, any municipal agency using a surveillance technology approved pursuant to this ordinance, and in the case of the Detroit Police Department in coordination with the Board of Police Commissioners, shall hold one or more well-publicized and conveniently located community engagement meetings at which the general public is invited to discuss and ask questions regarding the Annual Surveillance Report and the municipal agency's use of surveillance technologies.

**Sec. 43-2-36. – Public report of government surveillance authorizations.**

(a) Not later than April 30 of each year, the City Council or its appointed designee shall release an annual public report, in print and on its public website, containing the following information for the proceeding calendar year:

(1) The number of requests for approval submitted to the City Council for the (A) funding, (B) acquisition, and (C) new uses of surveillance technology;

(2) The number of times the City Council approved requests submitted for the (A) funding, (B) acquisition, and (C) new uses of surveillance technology;

(3) The number of times the City Council rejected requests submitted for the (A) funding, (B) acquisition, and (C) new uses of surveillance technology;

(4) The number of times the City Council requested modifications be made to applicable Surveillance Use Policies before approving the (A) funding, (B) acquisition, and (C) new uses of surveillance technology; and

(5) All Annual Surveillance Reports issued within the previous year.

**Sec. 43-2-37. – Use of Unapproved Surveillance Technology in Exigent Circumstances**

(a) A municipal agency may temporarily acquire or temporarily use surveillance technology in exigent circumstances without following the provisions of this

ordinance before that acquisition or use, provided that the municipal agency does all of the following:

- (1) Use the surveillance technology to solely respond to the exigent circumstances;
- (2) Cease using the surveillance technology within seven calendar days, or when the exigent circumstances end, whichever is sooner;
- (3) Only keep and maintain data related to the exigent circumstances and dispose of any data that is not relevant to an ongoing investigation, unless its retention is (A) authorized by a court based on a finding of probable cause to believe the information constitutes evidence of a crime; or (B) otherwise required by law;
- (4) Not disclose to any third party any information acquired during exigent circumstances unless such disclosure is (A) authorized by a court based on a finding of probable cause to believe the information constitutes evidence of a crime; or (B) otherwise required by law;
- (5) Submit a report summarizing that acquisition and/or use to the City Council in writing within 45 days following the initiation of the exigent circumstances;
- (b) Any technology temporarily acquired in exigent circumstances shall be returned within seven days following its acquisition, or when the exigent circumstances end, whichever is sooner.

**Sec. 43-2-38. – Certain Contracts Prohibited.**

- (a) It shall be unlawful for any municipal agency to enter into any contract or agreement that conflicts with the provisions of this ordinance, including but not limited to contracts or agreements containing non-disclosure agreements.
- (b) It shall be unlawful for any municipal agency to enter into any contract or agreement that facilitates the exchange of surveillance data in return for monetary or any other form of consideration, including the assessment of additional fees or surcharges on unpaid fines or debts.

**Sec. 43-2-39. – Remedies; Penalties; Whistleblower Protections.**

(a) Any violation of this ordinance, including but not limited to funding, acquiring, or utilizing surveillance technology that has not been approved pursuant to this ordinance or utilizing surveillance technology in a manner or for a purpose that has not been approved pursuant to this ordinance, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, writ of mandate, or evidence suppression in any court of competent jurisdiction to enforce this ordinance.

(b) A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought to enforce this ordinance.

(c) Municipal employees or agents shall not use any surveillance technology except in a manner consistent with the Surveillance Use Policies approved pursuant to the terms of this ordinance, or pursuant to **Sec. 43-2-37**, and may in no circumstances utilize surveillance technology in a manner which is discriminatory, viewpoint-based, or violates the City Charter, State Constitution, or United States Constitution.

(d) Any municipal employee or agent who violates this ordinance shall be subject to appropriate disciplinary measures.

(e) Whistleblower protections.

(1) No municipal agency or anyone acting on behalf of a municipal agency may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms, conditions, access to information, restrictions on due process rights, privileges of employment, or civil or criminal liability, because the employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of a surveillance technology or surveillance data to any relevant municipal agency, municipal law enforcement, prosecutorial, or investigatory office, or City Council Member, based upon a good faith belief that the disclosure evidenced a violation of this ordinance.

#### **Sec. 43-2-40. – Necessity**

This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

**Sec. 43-2-41. – Conflicts with other laws**

All local laws, or parts of local laws, that conflict with this ordinance are repealed.

**Sec. 43-2-42. – Effective Date**

In the event this ordinance is passed by two-thirds majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-thirds majority of City Council Members serving, it shall become effective on the thirtieth day after enactment, or on the first business day thereafter, in accordance with Section 4-118 of the 2012 Detroit City Charter.

**Secs. 43-2-43 - 43-2-47. – Reserved**

Approved as to form:

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Lawrence T. García  
Corporation Counsel